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SUMMARY RECORD OF THE 47th MEETING

Chairman: Mr. KRENKEL (Austria)

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* Items considered together.

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The meeting was called to order at 10.15 a.m.

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(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (*continued*) (A/47/24 and Add.1, A/47/353, 434, 479, 501, 502, 503, 504, 552, 626, 630, 668, 701 and 702)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (*continued*) (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, 617, 621, 625, A/47/635-S/24766, A/47/651, 656, 666 and A/47/676)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (A/47/247; A/C.3/47/9)

1. *Mr. ERMACORA* (Special Rapporteur of the Commission on Human Rights), introducing his eighth report on the situation of human rights in Afghanistan (A/47/656), in accordance with Commission on Human Rights resolution 1992/68 and Economic and Social Council decision 1992/240, said that, following the resignation of the former President of Afghanistan, Mr. Mohammed Najibullah, the five-point peace plan proposed in 1991 by the then Secretary-General of the United Nations, Mr. Pérez de Cuéllar, had not been implemented. Although the transfer of power between the former Government and the new Islamic Government had begun in relative calm, factional fighting had soon broken out, with disastrous consequences for human rights and security in the country. The new Afghan Government had abrogated all laws and decrees issued since 1978 in so far as they were considered to be in contradiction with the principles of Islam. He had been unable to obtain information about the laws still in force, and believed that the matter should be examined on a case-by-case basis. He had attempted to evaluate the compliance of Afghanistan with its international obligations and commitments with regard to human rights in general and international human rights instruments in particular, especially the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions of 1949. Despite the change of Government, the international personality of the country had not been altered; therefore, Afghanistan was required to respect its international obligations. The Afghan Government had recently confirmed its commitment in that area by submitting a report to the Committee Against Torture and by adopting the Final Document of the Tenth Conference of Heads of State or Government of the Non-aligned Countries, in which that principle was reaffirmed.

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(Mr. Ermacora)

2. Since his last report to the General Assembly, he had been able to visit Afghanistan and the neighbouring provinces of Pakistan twice. However, he had been unable to visit Kabul during his latest visit in September 1992, because of the prevailing insecurity in the capital, and he had experienced great difficulty in contacting the central Government. In drafting the report, he had relied on his visits to Balkh and Nangarhar provinces, as well as numerous written and oral reports received during the reporting period.

3. The situation of Afghan refugees constituted one of the major problems from the standpoint of human rights and humanitarian law. More than a million refugees had returned to the country within the space of a few months, and if the flow of refugees continued at the same pace, it was estimated that the repatriation of all refugees would be completed before the end of 1994. Nevertheless, the situation of some 4 million Afghans remaining abroad was still of concern. Their return would depend on continued international assistance, a concerted international effort to complete mine clearance operations throughout the country, and increased humanitarian assistance to refugees, which had been declining over the past few years. It was also contingent upon political developments in the country, especially political stability. The human rights situation in Kabul illustrated the situation in the rest of the country. However, as the capital, Kabul also symbolized the country's sovereignty, independence and integrity. Although it had been relatively spared during the fighting which had taken place between 1980 and 1992, Kabul was currently at the centre of a new conflict.

4. The change of Government in April-May 1992 had not been accompanied by systematic human rights violations. The power struggle was a continuation of the political struggle which had been going on for years between the parties formerly based in Peshawar. Law and order no longer prevailed in Kabul, and there had been innumerable reports of looting, rape and killings. With regard to the human rights situation, notably the right to personal liberty, it should be noted that all prisoners had been released from Pol-i-Charkhi Central Prison and all death sentences had been commuted to prison terms before the new Government's accession to power. The new Government had declared a general amnesty, the working of which, unfortunately, was ambiguous. He had been informed that most former civil servants up to the level of deputy minister had remained in their posts but it appeared that a certain number had been detained and were being interrogated. However, neither he nor the International Committee of the Red Cross had been able to visit places of detention. It had not been possible to obtain precise information regarding the cruel, inhuman or degrading treatment mentioned by Amnesty International in recent reports, or to determine whether torture was systematically practised. The problem of Soviet prisoners had not yet been solved, and allegations continued to be made regarding the presence of Afghan children in the territory of the former Soviet Union. He also drew attention to the fate of the former President of Afghanistan, pointing out that the latter, too, should benefit from the amnesty declared by the new Government, or, at least treated fairly.

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5. No mass executions had been reported since the fall of the former Government, but several persons had been killed arbitarily after having been tortured. The right to life had generally not been respected and a number of death sentences had been pronounced and carried out in Kabul, Kandahar and Jalalabad. While realizing that Islamic law did not exclude capital punishment, he believed that the procedures under which the death sentence was imposed and carried out must be in conformity with international commitments, and particularly with the provisions of the International Covenant on Civil and Political Rights. He would endeavour to study in greater depth, in his report to the Commission on Human Rights, the problems that might arise owing to discrepancies between the rules of Islamic law and international human rights instruments.

6. Owing to the climate of insecurity prevailing in the capital since the change of Government, it had not been possible to effectively enjoy the rights to freedom of expression, information and assembly. With the advent of winter, the people would not be able to enjoy economic and social rights unless substantial assistance was forthcoming from the international community. He expressed his full support for the appeal for $17.6 million for emergency assistance for the winter of 1992-1993 that had been made by the Under-Secretary-General for Humanitarian Affairs. With regard to the right to self-determination, some progress had been made. Since Soviet troops had been withdrawn, the country was free to determine its political status. However, all attempts to convene a Loya Jirgah had failed because of the ongoing conflict. The present Government lacked democratic legitimacy and, although attempts had been made to convene bodies modelled on the Shura or council, those bodies had not been representative of all segments of Afghan society. The situation was made worse by the fact that not all refugees had returned, that a number of groups claiming political power were not willing to share it, and that local commanders did not want to cooperate with anyone under the present circumstances. General elections had been announced, but it would be pointless to attempt to hold them until peace and stability returned to the country.

7. He emphasized that the situation of human rights in Afghanistan must remain a major concern of the world community and the United Nations. He was surprised that there had been no word about the situation in Afghanistan in the Secretary-General's Report on the work of the Organization (A/47/1).

8. Mr. VAN der STOEL (Special Rapporteur of the Commission on Human Rights) noted that his interim report on the situation of human rights in Iraq was in two parts (A/47/367 and Add.1), the second part being justified by the alarming information he had received from various sources in July 1992 regarding troop movements in southern Iraq, shelling and air raids. He had also learned that implementation of the Third River Project was being stepped up; that could have a large impact on the people of the region for much of the marsh area was being drained. Not only might that change the population's cultural habits but it also would permit vehicular traffic and therefore

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enable Iraqi security forces to better control the region, with predictable consequences for opponents of the regime hiding in the marshes. The Iraqi Government alleged that the presence of bandits in the region made the operations necessary, but in view of the means employed, he wondered whether the intention was not rather to overcome a resistance the regime considered unacceptable.

9. In his interim report, he had recommended that teams of observers be sent into the region, but the Government had emphatically rejected the suggestion on the grounds that it would be an unacceptable infringement of Iraq's sovereignty. Certainly, observer missions were not the answer always and everywhere, but in cases of serious human rights violations, such as those which were occurring in Iraq, they were justified. It seemed inappropriate to speak of infringement of sovereignty in the case of Iraq, since in every other part of the world journalists enjoyed freedom of movement and were free to criticize; moreover observers were invited to monitor elections in other countries without that being seen as an infringment of their sovereignty.

10. In August 1992, the southern marshes had been declared a no-fly zone, and there was no sign of any major military operation such as had been reported during the summer. However, he had heard from a variety of sources reports of intermittent shelling and villages being burnt.

11. In the second part of his interim report (A/47/367/Add.1), he had emphasized the economic situation and economic and social rights, in particular the right to food and to health. The situation in the southern marshes, in the north and also in the southern areas controlled by the Government was alarming.

12. In a statement to the Security Council on Monday, 23 November 1992, the Deputy Prime Minister of Iraq, underscoring the difficulty of obtaining food for the Iraqi population had gone as far as to term the Security Council sanctions as genocide. However, food and medication had from the beginning been exempted from the sanctions against Iraq. Moreover, resolutions 706 (1991) and 712 (1991) contained provisions for Iraq to sell oil so as to buy food for its people, with a ceiling of at least $900 million. For that to occur, it would be sufficient for the United Nations and Iraq to come to an agreement, but negotiations for that purpose had come to nothing and there was no indication that the Iraqi Government would seek to reopen them.

13. Moreover, the memorandum of understanding between Iraq and the United Nations concerning humanitarian aid had expired on 1 July and the hope that it might be extended had come to nothing. On the contrary, a campaign of harassment (various incidents and threats) had been mounted against United Nations personnel participating in the humanitarian operations; it was hard to believe that it had been a spontaneous outburst of popular anger, as Iraq claimed, since the majority of the incidents had occurred in areas under Government control, including several at government checkpoints. In addition,

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non-governmental organizations taking part in the humanitarian operation had been discouraged from carrying on their operations and visas were no longer being issued or extended.

14. The Government of Iraq had also subjected the people of the marshlands and, increasingly, of the north and other regions not controlled by the Government, to an internal embargo on fuel and food. Thus, while complaining bitterly of a food embargo decreed by the United Nations - when none existed - the Government did not hesitate to use food supply as a weapon against certain elements of its own population, even though it had stated, in its note of 23 January 1992 (E/CN.4/1992/31), that it would not exercise any discrimination in food distribution between the various regions of the country.

15. After intensive negotiations, on 22 October a new Memorandum of Understanding had been concluded between the United Nations and the Government of Iraq in which Iraq pledged to take all measures necessary for facilitating the safe and rapid passage and delivery of aid throughout the country. It appeared that Iraq was beginning to honour that obligation, as the Under-Secretary-General for Humanitarian Affairs had announced on Monday, 23 November, that fuel had been beginning to arrive in the north of the country, and it had been hoped that 20 million litres of kerosene could be delivered; nevertheless, that amount was still a far cry from the 47 million litres considered necessary to cover the needs of the 3.1 million inhabitants of the region. At best, i.e. if the Government of Iraq were to honour its obligations to the full under the Memorandum of Understanding, the population of Kurdistan would still be suffering. Given the slightest delay in supply, or if the Government of Iraq balked in fulfilling its obligations, thousands of individuals would pay with their lives, and that would be a violation of the most important right provided for under the International Covenant on Civil and Political Rights: the right to life. It could only be hoped that enough food could be successfully delivered to avoid disaster, and that would require a major contribution from donor countries to finance the rest of the operation. Otherwise, the world would know whom to hold responsible.

16. With respect to the general situation of political rights in Iraq, unfortunately, no sign of liberalization of the regime could be detected, despite all the urgings made and all the resolutions adopted on that issue. Any person demonstrating his or her disagreement with the policies of the Government was risking his or her life. Outside of the official judicial system, there was an extrajudiciary system which relied on security forces who were entirely free to arrest and to kill whomever they wished.

17. Mr. NIKKEN (Independent Expert of the Commission on Human Rights) noted that the beginning of the year 1992 had witnessed the signature at Chapultepec of the Peace Agreement between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), after 10 years of armed conflict. The Peace Agreements were intended not only to put an end to the armed conflict but also to eliminate the causes of conflict, by building a

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more democratic and harmonious society in which respect for human rights would be one of the fundamental responsibilities of the State. His mission afforded a unique opportunity to provide assistance in human rights matters to the Government of El Salvador, to consider the human rights situation there and also to study the effects of the Peace Agreements on the effective enjoyment of human rights. The report on the situation of human rights in El Salvador (A/47/596) emphasized precisely that aspect of the question, because only by implementing and honouring the Peace Agreements could a solution be found for the systematic violations of human rights in that country. Peace was viewed as an irreversibly won right, but he regretted that implementation of certain provisions of the Agreements had not proceeded according to the timetable. It was for that reason that the ending of the military structure of the FMLN had been deferred until 15 December 1992. He reminded both parties that fulfilment of their mutual obligations under the Peace Agreements should proceed according to the originally set timetable, so as not to upset the balance of the set of Agreements.

18. The cessation of hostilities had eliminated an important cause of threats to human dignity and had produced a climate more conducive to respect for the rights of individuals. In addition, a climate of peace offered the greater stability needed to exercise economic, social and cultural rights. However, as the report of the Secretariat and that of the United Nations Observer Mission in El Salvador (ONUSAL) indicated, situations persisted in which human rights were violated not only in the civil and political spheres, but also with respect to economic, social and cultural rights, and the resources available to society with which to combat them were still very weak. Implementation of the Peace Agreements presupposed the creation or strengthening of appropriate structures to ensure compliance by the Salvadorian State with its duty to observe and safeguard human rights and to eliminate some of the causes which in the past had most led to systematic violations. The new structure should rest on three pillars: the Office of the National Counsel for the Defence of Human Rights, which would be responsible for the promotion and the defence of human rights; the National Civil Police, whose primary function would be to protect and safeguard the free exercise of fundamental rights and freedoms, would be conceived in terms of a truly democratic, modern, police force, integrated in civilian society, rather than engaged in confrontation with society; and a reformed judicial system which would be more independent, effective and capable of guaranteeing due process of law and determining the liability of persons guilty of serious human rights violations. However, since the Office of the National Counsel for the Defence of Human Rights had embarked on its activities, it had not had the strength, resources and clarity of purpose necessary to make its presence felt. In addition, the organization of the National Civil Police had departed at certain points from provisions of the peace agreements. With respect to the judiciary system, reforms introduced to date had not been sufficient to overcome the structural defects affecting the administration of justice in El Salvador. The verticality of the system threatened the intellectual freedom of judges and the independence of lawyers. The reform of the armed

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forces which was to result from the implementation of the Peace Agreements must prevent human rights violations in the future. The constitutional reforms, and the agreements reached regarding the doctrine and educational system of the armed forces, stressed the subordination of the institution to civilian authorities and their commitment to a State based on the rule of law and the pre-eminance of respect for human dignity. That was an extremely sensitive issue, since it presupposed a rapid transition by the armed forces to a new model of a democratic society that had emerged from the Agreements.

19. ONUSAL had put forward a large number of recommendations on subjects directly concerning the observance and safeguarding of human rights. He noted with some concern that most of those recommendations had yet to be implemented, notwithstanding the two parties' commitment, in the San José Agreement (A/44/971-S/21541), to give them their earliest consideration and the instructions of the President of El Salvador to give priority to their implementation. If the current situation continued, the situation of human rights could not improve; the human rights component of the ONUSAL mission would lose its purpose, and the credibility of ths process as a whole would be undermined. Therefore, he strongly urged that the recommendations made in the report, and those put forward by the commissions set up under the Peace Agreements should be implemented as soon as possible. Rapid implementation should also be obtained with respect to the recommendations put forward by the ad hoc commission instructed to evaluate the officer corps of the armed forces with the aim of purification, as well as those recommendations that would be put forward within the time limits by the Commission on the Truth following its current investigation of acts of violence committed in the past that were of particular interest to the public.

20. He thought that the Government should take maximum advantage of the presence in El Salvador of the United Nations Observer Mission (ONUSAL) Human Rights Division, whose highly trained professionals could provide the Government with immediate assistance, enabling it to make substantial progress in the observance and safeguarding of human rights. More than ever, it was also necessary to renew the Special Rapporteur's appeal to the rich countries to provide the assistance they had promised to the Salvadorian people.

21. Mr. YOKOTA (Special Rapporteur of the Commission on Human Rights) said that he had been appointed to examine the situation of human rights in Myanmar in accordance with Commission resolution 1992/58 and that his appointment had been approved by Economic and Security Council decision 1992/235. His first task had been to "establish direct contacts with the Government and with the people of Myanmar". On 23 July 1992, he had submitted a letter to the Minister for Foreign Affairs of the Union of Myanmar requesting the cooperation of the Government and expressing his wish to visit the country as soon as possible, which he had been invited to do by a letter of the Minister dated 27 August 1992. That visit, for technical reasons, had had to be postponed: it would be from 7 to 15 December 1992. Although regrettable, the postponement would allow him also to visit Thailand and Bangladesh and to

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speak with refugees and others there about the human rights situation in Myanmar. The results of his mission would be reflected in his final report to the Commission on Human Rights.

22. On 7 September 1992, he had submitted a memorandum to the Minister for Foreign Affairs (contained in chapter III of his preliminary report (A/47/651)). In it, he had requested information on the preparations for the National Convention for drafting a new democratic constitution, scheduled for 9 January 1993: on the situation with regard to leaders of political parties against whom action had been taken in 1992, including a list of the persons detained and those released; on the ratification of major human rights instruments; and on the situation of the Muslim population in Northern Arakan State.

23. On 23 and 26 October, the Government of Myanmar had sent him detailed responses to those questions (see chapter IV of the preliminary report).

24. In addition to his contacts with the Government, he had sought to obtain information from other sources, including reports of human rights violations in Myanmar received by the Centre for Human Rights (summarized in chapter V of the preliminary report) and interviews with individuals wishing to provide oral evidence on the condition that their identity would be withheld. He had also met with staff members of the United Nations, human rights organizations and humanitarian non-governmental organizations and with journalists and lawyers, among others.

25. The information obtained from those non-governmental sources appeared to indicate that many human rights violations had been and continued to be committed. They included extrajudicial executions, particularly of forced porters; disappearances, torture and other cruel, inhuman or degrading treatment; arbitrary detentions, including those of political leaders such as Daw Aung San Suu Kyi; the suppression of fundamental freedoms and the persecution of ethnic and religious minorities, including the Muslim population in Northern Arakan State.

26. In its responses - specifically in its note verbale of 26 October 1992 - the Government of Myanmar indicated that it considered most if not all of those allegations to be untrue and unfounded. During his visit to the region in December, he would try to determine the actual situation, given the wide discrepancy between the allegations and the Government's responses.

27. Developments in Myanmar had occurred since the spring of 1992 which could have affected the human rights situation. In April 1992, the Governments of Myanmar and Bangladesh had signed an agreement for the voluntary repatriation of Muslim refugees. However, it appeared that only a minority of those 250,000 refugees had returned to Myanmar. In the same month, the family of Daw Aung San Suu Kyi had been authorized to visit her. In August 1992, universities and other institutions of higher learning had been reopened under

(Mr. Yokota)

certain conditions, and the Government had announced that Myanmar had acceded to the four Geneva Conventions of 1949, although not to Additional Protocol II. In September 1992, the Government had rescinded some martial law orders, leaving others in force. It had also lifted the curfew. Lastly, according to the list provided by the Government, 39 of the 68 political leaders in detention had been released since April 1992.

28. While those developments might have implications for the situation of human rights in Myanmar, he realized that they might be purely cosmetic. For that reason, he would focus on those points during his visit, during which he hoped to receive the cooperation of the Government of Myanmar.

29. Mr. MAZOWIECKI (Special Rapporteur of the Commission on Human Rights), introducing his report (A/47/635), said that he was gravely concerned about the situation of human rights in the former Yugoslavia. While history allowed a partial understanding of the situation, there was no explanation for the massive violations of truly fundamental human rights. Ethnic cleansing was the goal, not the consequence, of the war in Bosnia and Herzegovina. Muslims and Croats were being forced to leave their native lands in order to create ethnically pure regions. The atrocities committed in those regions constituted a violation not only of the fundamental rights proclaimed in the international human rights instruments but also of the human rights set forth in the Geneva Conventions and the optional protocols.

30. As a result of his mission, he could confirm the observations in his first report to the Commission on Human Rights, namely, that, although the suffering affected people everywhere, it weighed heaviest on the Muslim population, which was threatened with extermination. Those primarily responsible were the Serbian political and military leaders in Bosnia and Herzegovina, backed by the authorities of the Republic of Serbia and the command of the Yugoslav national army. The objectives of their policy had been largely achieved, since Muslims and Croats were fleeing the regions under Serbian control and thousands of people were being detained in camps.

31. Serbs in Bosnia and Herzegovina had also been victims of serious human rights violations that should be strongly condemned. In Croatia, such violations were occurring on a smaller scale both in areas controlled by Serbian forces and in those where United Nations Protection Force (UNPROFOR) troops were stationed. However, Serbs who opposed the policy of nationalism and hatred were also subject to reprisals. Evidence showed that war crimes had been committed in the territories of the former Yugoslavia since the beginning of the conflict. In accordance with Security Council resolution 780 (1992), a Commission of Experts had been established to investigate those crimes. That Commission must be able to carry out its mandate quickly; in other words, to identify and prosecute those guilty of war crimes under international law.

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(Mr. Mazowiecki)

32. The human rights situation in the Republic of Serbia was a matter of deep concern, particularly with respect to the Albanians in Kosovo, who were subject to discriminatory practices; to the Croats, Hungarians, Ukrainians, Slovaks and other minorities in Vojvodina and to the Muslims in Sandjak, who were being targeted for ethnic cleansing and forced to emigrate.

33. The problem of human rights in Serbia encompassed not only the situation of ethnic or national minorities, but extended also to the political rights of the Serbian population itself. Indeed, the media - television, in particular - were controlled by the Government, and the democratic opposition had no access to them. But human rights were also being violated in the Republic of Croatia, where discriminatory measures based on nationality were aimed chiefly at the Serbian population. The scale of the tragedy suffered by the civilian population in Bosnia and Herzegovina, especially Muslims, demanded rapid and coordinated action. Prisoners must be freed and the detention camps closed. The International Committee of the Red Cross (ICRC) must therefore persuade States to take in the prisoners, even though that in itself was not an adequate solution. Furthermore, there was an urgent need to establish conditions in Bosnia and Herzegovina that would allow the local population and the refugees to survive. To that end, the creation of security zones under the control of UNPROFOR troops in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) seemed essential. The fear that the establishment of such zones was tantamount to an acceptance of the policy of ethnic cleansing must yield to the duty to save human life. Such a solution, although temporary, was preferable to inaction, which amounted to outright acceptance of that policy's consequences. Similarly, it was essential that corridors should be established rapidly through which humanitarian relief could be channelled to the towns and regions under siege.

34. In his report, he demonstrated unequivocally that the international presence had not yet succeeded in halting the massive violations of human rights in the former Yugoslavia. However, the United Nations personnel currently serving there were to be commended. The establishment of permanent observer missions of the Conference on Security and Cooperation in Europe (CSCE) in Vojvodina, Kosovo and Sandjak might have a deterrent effect. In addition, the appointment of representatives of the Special Rapporteur in the areas of the former Yugoslavia would make it possible to obtain information on human rights violations more systematically and to respond to them more rapidly.

35. The role of the international press was also to be commended. Mobilizing public opinion in support of human rights was of crucial importance. Substantial technical and financial assistance should therefore be given to the independent, democratic press. Serious consideration should also be given to the establishment of an international press agency.

36. The events in Bosnia and Herzegovina demanded that the States Members of the United Nations should demonstrate the necessary political will to deal with the situation.

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37. Mr. RICHARDSON (United Kingdom), speaking on behalf of the European Community and its member States, referred to his statements to the Committee on implementation of human rights instruments, under agenda item 97 (a), and on racism and self-determination under agenda items 91 and 92, and also to the statement made to the General Assembly by Mr. Douglas Hurd in his capacity as President of the Council of Ministers of the European Communities. The fundamental principles underlying the Universal Declaration and the International Covenants on Human Rights must take precedence over domestic laws and cultural or religious convictions. At no time since the founding of the United Nations had it been so urgent to mobilize the international community in defence of human rights. While the relationship between human rights, democracy and development was an idea currently recognized by all emphasized by the Secretary-General in his "Agenda for Peace", the world was witnessing a proliferation of ethnic disputes and instances of militant nationalism which, particularly in the former Yugoslavia and in Somalia, had led to internecine strife marked by a total disregard for human rights and fundamental freedoms. Such brutality tore society apart, opening the field to demagogues, warlords and, in the most extreme cases, to horrors such as "ethnic cleansing".

38. The World Conference on Human Rights to be held the following year at Vienna could not be more timely. It would give States an opportunity to renew their commitment to uphold the Universal Declaration and the International Covenants; it was to be hoped that the Conference would lead to practical measures. Respect for human rights, which were indivisible, the rule of law and democratic institutions were essential to active, free and meaningful participation in the development process while, conversely, development centred on the individual was essential for the promotion of democracy.

39. Existing mechanisms to guarantee respect for human rights had to cope with an enormous workload. It was to be hoped that restructuring would lead to ways of strengthening the Centre for Human Rights, which was the focal point of those mechanisms, and to provide it with the resources it needed to provide the necessary services to the treaty bodies and technical assistance aimed at helping countries prepare their reports, or at implementing global programmes in the context of the third decade to combat racism and racial discrimination, and to follow up the achievements of the World Conference.

40. On behalf of the European Community and its member States, he commended the work of the thematic rapporteurs and working groups and welcomed the decision of the Commission on Human Rights to renew their mandates for three years and to convene a special session on the former Yugoslavia. He expressed the hope that other innovative ideas might be put forward to strengthen the human rights bodies, and improve coordination among them.

41. The growing number of requests for electoral assistance was an encouraging sign, given that the right to choose one's Government was a fundamental human right. It was therefore essential to strengthen the

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(Mr. Richardson, United Kingdom)

capacity of the Organization and establish guidelines for its activities in that area.

42. Many citizens of the world continued to need protection from the very Governments which ought to be their strongest shield against violations of their rights. The draft declaration on the protection of all persons from enforced disappearance was thus an importnat document, as was the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, which he hoped to see adopted unanimously by the General Assembly after many years of difficult negotiation.

43. Given the valuable role played by many non-governmental organizations, it would be advisable for the Commission on Human Rights to speed up its drafting of a declaration designed to protect human rights defenders.

44. It was intolerable that, more than 65 years after the adoption of the Slavery Convention and despite the efforts of the Working Group on Contemporary Forms of Slavery, nearly 100 million people, including many children, were still enslaved. All States must redouble their efforts to eradicate the practice of slavery, which was an affront to human dignity.

45. The situation of street children, whose numbers were constantly on the increase, was another scandalous situation against which urgent action had to be taken. The European Community had submitted a draft resolution on that subject and hoped that it would command universal support.

46. He then presented the views of the European Community and its member States on the human rights situation in various countries, starting with those that had been dealt with in reports by special rapporteurs.

47. The European Community condemned the policy of "ethnic cleansing", under which massive violations of human rights - killings, rapes, beatings, the destruction of houses, threats, illegal detention, mistreatment in detention camps and forced expulsions - were being carried out in Bosnia and Herzegovina, principally by Serbian groups, against the Muslim population. Those persecutions must cease and the perpetrators brought to justice. The European Community and its member States were at the heart of efforts within the United Nations system and the International Conference on the Former Yugoslavia to tighten the monitoring of human rights violations in the former Yugoslavia and improve the collection of data. The Community condemned the attacks on staff of the United Nations and UNHCR and of ICRC and other non-governmental organizations and on members of the Community's monitoring mission. The international community's response must match the severity of the crisis which, while most serious in Bosnia and Herzegovina, was also affecting other parts of the former Yugoslavia, particularly Vojvodina, Kosovo and Sandjak.

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(Mr. Richardson, United Kingdom)

48. In Iraq, despite Security Council resolution 688 (1991) and the International Covenants, the Government continued to persecute the inhabitants of the southern marshes through indiscriminate bombardment, arbitrary arrests, detentions and executions, the denial of medical care and a diversion of water supplies that threatened their ancient way of life. In the north, outside the United Nations protected areas, the Kurdish population continued to suffer repression and hardships resulting from an internal economic blockade. The European Community and its member States urged Iraq to take advantage of the opportunity afforded by Security Council resolutions 706 (1991) and 712 (1991) to export oil in order to import humanitarian goods. The extraordinary situation would justify the extraordinary measures recommended by the Special Rapporteur, namely the deployment in Iraq of United Nations monitors.

49. According to the report of the Special Rapporteur and other sources, numerous violations of human rights continued to be committed in the Islamic Republic of Iran: the execution and systematic torture of political prisoners, brutal suppression of peaceful demonstrations, persecution of religious minorities (particularly the Baha'i community, members of which had suffered summary execution and confiscation of property) and suppression of freedom of thought, expression and association. The Government had not repudiated its call for the murder of Mr. Salman Rushdie, and it had refused to cooperate with the Special Representative of the Secretary-General or authorize the return of the ICRC personnel expelled earlier in the year. More than 10 years after submitting its initial report, the Islamic Republic of Iran had at last submitted its second periodic report under the International Covenant on Civil and Political Rights to the Human Rights Committee. Unfortunately, as noted during the debate in that Committee, the report did not accurately reflect the situation in the country and raised questions about the implementation of the Covenant there, particularly with regard to the treatment of women and ethnic and religious minorities.

50. There were continued reports of massive human rights violations in Myanmar, too: arbitrary execution, torture and imprisonment; the banning of politicians elected by the people in 1990; the detention of the Nobel Peace Prize winner, Daw Aung San Suu Kyi; forced resettlement programmes; and the persecution of ethnic and religious minorities. Despite a degree of progress - the release of more than 1,000 political prisoners, the lifting of the curfew, the revocation of certain powers under martial law, the abolition of military tribunals and the reopening of universities and colleges - it was doubtful that so circumscribed a National Convention as the one announced for 1993 would be sufficient to ensure national reconciliation and an end to arbitrary action. The authorities must cooperate with the appropriate United Nations agencies and programmes to facilitate the repatriation of refugees, and the many ethnic problems must be solved on the basis of full respect for the rights of minorities, for despite the statement by the Minister for Foreign Affairs of Myanmar to the General Assembly, the armed offensive against minority groups had recently been resumed.

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51. The European Community condemned the many human rights abuses - detention without trial, torture, abduction, murder, and suppression of the freedoms of speech and association - committed in Haiti since the coup d'état and called for the prompt restoration of democracy and peace in that country; the Community fully supported the efforts being made by the Secretary-General of the Organization of American States to that end.

52. At its current session, the General Assembly had for the first time received a report on the situation of human rights in Cuba. Unfortunately, the Cuban Government had refused to cooperate with the Special Rapporteur and continued to violate the provisions of the Universal Declaration, notably by imposing harsh prison sentences on members of the opposition and advocates of peaceful change and by organizing mob action against human rights activists. The European Community and its member States called on the Cuban Government to honour the agreement concluded in 1988 with ICRC providing for periodic inspections of Cuban prisons, to stop obstructing the efforts of the Special Rapporteur and to restore a truly democratic society founded on political pluralism as soon as possible.

53. The European Community and its member States were deeply concerned about the loss of life and displacement of people which had taken place following the collapse of the Communist regime in Afghanistan, as well as the fate of the persons of any nationality who remained unaccounted for since the war and of the prisoners held by the mujahidin. They called on the Government of Afghanistan to follow up the recommendations of the Special Rapporteur, since respect for human rights would be a powerful tool for rebuilding the country and would facilitate the repatriation of refugees.

54. The report of the Independent Expert and other sources, including the United Nations Observer Mission in El Salvador (ONUSAL), indicated that the ending of hostilities in El Salvador, had not put a stop to human rights abuses there such as the unwarranted use of force, intimidation, illegal and arbitrary detention, death threats against trade unionists and church workers, and extrajudicial killings. It was possible, however, that the latter might reflect the alarming rise in common crime, and the Salvadorian Government had apparently made a firm commitment to prevent and punish violations of human rights. The work of the Commission on Truth, the newly created Office of the National Counsel and the Ad Hoc Commission, as well as the role played by the former Secretary-General and the current Secretary-General, were all highly commendable.

55. The countries covered by specific reports were not the only ones in which human rights were being violated. In Europe, although the breakup of the former Soviet Union had improved the situation in many of its territories, it had given free reign to ethnic tensions and created newly vulnerable groups in others. Such rivalries had led to the outbreak of civil war, particularly in the Republics of Georgia, Tajikistan and Azerbaijan. The European Community urged those Republics to respect human rights, particularly the rights of

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minorities, and to settle their differences in a peaceful manner consistent with the Charter of the United Nations and the International Covenants on Human Rights.

56. In Turkey, the Government had undertaken to improve the protection of human rights, but the situation remained a matter for concern, as indicated in particular by the findings of the Committee against Torture and reports on the conditions in Turkish police stations.

57. The establishment of a democratic Government in Albania was to be welcomed, and it was to be hoped that progress in the area of human rights, particularly minority rights, would continue.

58. Cyprus was a European country whose tragic division entailed worrying violations of human rights. The Security Council had repeatedly affirmed that the status quo was unacceptable. The European Community and its member States strongly supported the efforts of the Secretary-General to find a just and viable solution and reiterated the importance which they attached to the restoration of the unity, independence, sovereignty and territorial integrity of Cyprus in accordance with the relevant United Nations resolutions, in particular Security Council resolution 774 (1992) and the high-level agreements.

59. The peace process in the Middle East begun at the Madrid Conference was at last giving grounds for hope of a comprehensive political settlement of the Arab-Israeli conflict and the establishment of a climate of respect for human rights. The situation of the Palestinians in the occupied territories remained a source of concern, not only because of the suffering and loss of lives but also because of the economic and social stagnation, which affected young people above all. The recent moves by the Israeli Government to improve the human rights situation in the occupied territories were welcome, in particular the decision to cancel the deportation order announced in December 1991, as the Security Council had requested in resolution 726 (1991). It was to be hoped that Israel would build on those measures and end such practices as detention without trial, collective punishment, and destruction and confiscation of property and that it would implement in full the provisions of the Fourth Geneva Convention.

60. Reports of disappearances, arbitrary arrests and torture remained common in Syria, where the freedoms of expression and assembly were strictly curtailed. However, encouraging progress had been made over the past year, including the release of political prisoners and the lifting of travel restrictions on the Syrian Jewish community. The European Community and its member States urged the Syrian Government to make further efforts along those lines and to comply with the International Covenants; it might begin to demonstrate its good intent by giving improved access to detainees by lawyers and independent observers.

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61. The European Community and its member States hoped that the Taif Agreement and the undertakings associated with it would bring about the restoration of the sovereignty, independence, unity and territorial integrity of Lebanon, free of all non-Lebanese troops. They called on all the parties to cooperate with UNIFIL and the other United Nations personnel in Lebanon and to implement Security Council resolution 425 (1978).

62. The situation of human rights in China, including Tibet, was dismaying; many Chinese citizens committed to democracy, especially those involved in the peaceful demonstrations in 1989, were serving heavy prison sentences, and various ethnic, cultural and religious groups were suffering repression. The European Community and its member States believed that the international community was entitled to express its concern about the human rights situation in China, including Tibet, without that amounting to interference in China's internal affairs, and they appealed to the Chinese authorities to grant an amnesty to political activists and political prisoners and [illegible] guarantee respect for human rights in accordance with international standards.

63. The situation had improved in Cambodia following the Paris Agreements, which the Special Representative of the Secretary-General and UNTAC were endeavoring to implement, and it was to be hoped that it would improve still further with the signature of a number of international covenants and agreements by all the factions in the Supreme National Council. The situation remained worrying, particularly in the areas still controlled by the Khmer Rouge, which refused to implement the peace agreements in full. The Khmer Rouge was called upon to reconsider its decision not to cooperate in the cease-fire or participate in the elections.

64. In North Korea the Government continued to deny its citizens many of the fundamental freedoms set out in the Universal Declaration and the International Covenants; it was urged to comply with international human rights standards.

65. The fact that the Indonesian authorities had opened an inquiry into the violent incidents at Dili was welcome, but it was regrettable that the number of people killed or unaccounted for was still unknown; it was also regrettable that the same sentences were not imposed on the military as on civilians and that human rights organizations were denied access to the territory. The European Community and its member States urged the Indonesian authorities to honour their commitments and respond fully to the consensus statement adopted by the Commission on Human Rights and to treat all detainees humanely, including opposition figures; they fully supported the Secretary-General's recent initiative to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor, one which respected the legitimate aspirations of the people and the principles of the United Nations Charter.

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66. The human rights situation in Kashmir continued to deteriorate as a result of the violence. The terrorist violence must be resisted, but that did not exempt the Indian security forces from the duty to respect the rule of law. The Indian Government was urged to allow humanitarian and international human rights organizations to make an independent assessment of the situation. It was encouraging that the Indian Government intended to set up a national human rights commission. And it was to be hoped that the Governments of India and Pakistan would refrain from any action which could aggravate the tension. The Government of Pakistan was urged to prevent violent interference from territory under its control.

67. In Sri Lanka improvements had been made with respect to human rights and the rule of law; in particular the Government had invited the United Nations Working Group on Enforced or Involuntary Disappearances and Amnesty International to monitor the implementation of the recommendations contained in their recent reports. The Commission on Human Rights had adopted a consensus statement on human rights in Sri Lanka. The Sri Lankan authorities were invited to continue their efforts, and all the parties to the conflict, including the Liberation Tigers of Tamil Eelam were called upon to respect fully the universally accepted rules of humanitarian law.

68. Violations of human rights continued to be reported from the Chittagong Hills in Bangladesh. The European Community and its member States recognized that it was difficult to maintain order in that area of ethnic tension and they welcomed the recent publication of the findings of a judicial enquiry into the Logang incident, which had cost the lives of several members of indigenous tribes. The Government was called upon to implement the recommendations of the report and vigilantly protect the rights of minorities.

69. A number of citizens remained in detention in Viet Nam because of their political or religious beliefs. It was to be hoped that following the adoption in April 1992 of a constitution which provided for the safeguarding of human rights, they would shortly be released. It was encouraging that the Vietnamese authorities had shown an openness to dialogue and that they had promised to improve respect for many fundamental freedoms, in particular freedom of the press, assembly, travel and association. The Vietnamese Government had also made commitments regarding the repatriation of refugees.

70. In Africa, growing pressure was being exerted on behalf of democracy and respect for human rights; unfortunately, there was still much cause for concern. In the Sudan, there had been numerous instances of summary executions, detention without trial, torture and cruel, inhuman and degrading forms of punishment, as described in the reports of the Special Rapporteurs on torture and summary executions. The scale of those human rights violations had created severe humanitarian problems and a flow of refugees to neighbouring countries. The European Community and its member States condemned those violations, and in particular the alleged violence by Government forces at Juba and in the Nuba Hills. He called on the Government

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to uphold the human rights instruments to which it was a party and to guarantee all Sudanese citizens, regardless of their ethnic group or religious belief, full respect for the rights recognized in those instruments.

71. The appalling situation in Somalia was partly the result of the serious human rights violations committed over the years by the previous regime. If a lasting peace was to be achieved, the process of economic and social reconstruction had to be accompanied by a rebirth of tolerance and mutual respect. It was essential for all factions in the country to comply with the resolutions of the Security Council, to cooperate with the Special Representative of the Secretary-General, ICRC and the humanitarian non-governmental organizations working in the country and to respect fundamental rights, including the right to food.

72. The European Community and its member States urged the parties to the conflict in Liberia to observe the cease-fire called by the summits of the Economic Community of Western African States (ECOWAS) on 20 October and 7 November and to implement the Yamoussoukro IV Accord so that the population could return to peace and enjoy human rights, united under a freely elected Government.

73. In Ethiopia, the Government had pledged to respect human rights which had been grossly violated by the previous regime; however, it was still necessary to put an end to the ethnic clashes that persisted in some parts of the country. The decision by the General Assembly to endorse the establishment of a United Nations observer mission to monitor the referendum in Eritrea should be welcomed.

74. The human rights situation in Malawi still left much to be desired; even peaceful opponents of the Government were persecuted. The Government's decision to hold a referendum on multiparty politics was a welcome development.

75. In Equatorial Guinea there were still reports of arbitrary arrests, torture and the harassment of opposition politicians. The European Community had expressed concern to the authorities and had invited the Government to cooperate with the United Nations Expert and to implement his recommendations.

76. The Niger and Mali were still riven by ethnic strife, although in Mali, the signing the previous April of the National Pact held out hope for a settlement to the conflict. In Chad, the human rights situation had begun to improve, thanks to the efforts of the authorities and of national and international non-governmental organizations.

77. Serious human rights abuses had taken place in Zaire during the recent period of political instability. The European Community and its member States reiterated their support for the efforts made by the transitional Government and the National Conference and called on all political forces in Zaire to work together for peaceful and fair elections and social and economic recovery.

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(Mr. Richardson, United Kingdom)

78. Although the position of the European Community regarding South Africa had been dealt with at length during the debate on racism and racial discrimination, it was appropriate to restate the Community's deep revulsion to apartheid. The Third Committee would continue to scrutinize the human rights situation in South Africa until a united, non-racial and democratic South Africa had been achieved. During the period of political transition, it was more important than ever for the Government to safeguard the human rights of all citizens and to take all possible measures to avert further violent incidents such as those at Boipatong and Ciskei and for all the parties involved to abide by the terms of the National Peace Accord. In that respect, the Goldstone Commission had played a valuable role in identifying the causes of the violence.

79. Turning to Latin America, he said that the Twelve welcomed the progress in regional integration, the consolidation of democracy and the improvement in the human rights situation. However, that situation remained, a matter for concern in Guatemala, where, according to the Independent Expert, the armed forces were involved in human rights abuses and the situation of the indigenous population was very grave. The current negotiations between the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) and the award of the Nobel Peace Prize to Rigoberta Menchu gave reason to hope for an improvement in the near future, especially since the Prize had been awarded on the eve of the International Year for the World's Indigenous People.

80. In Peru, violence continued to reign, and the country's report to the Human Rights Committee raised fears that compliance with the International Covenant on Civil and Political Rights would not be possible in a regime in which the Executive had seized sole power. It was to be hoped that the election of a constituent congress would prove to be a step towards the early re-establishment of democracy.

81. Mr. SCHALLENBERG (Austria), speaking on agenda items 97 (b) and (c), was encouraged by the results achieved in the field of the promotion and protection of human rights since the adoption of the Universal Declaration of Human Rights: the elaboration of a body of international human rights law, the establishment of various mechanisms to monitor its implementation, heightened public awareness of the issues on a world-wide scale, and provision of advisory services and technical assistance. Yet the gross and massive violations of human rights that continued to occur demonstrated the fragility of a system that was incapable of responding to very serious situations, as was exemplified by the carnage in Croatia and in Bosnia and Herzegovina.

82. Austria welcomed the fact that Economic and Social Council resolution 1990/48 authorized the Commission on Human Rights to meet between its regular sessions, in order to discuss urgent questions of particular gravity; but it was obliged to observe that that procedure was not very well defined and that it would be desirable for the Commission to be in a position to react without delay to an acute situation arising from gross violations of human rights. At

(Mr. Schallenberg, Austria)

its most recent regular session, the Commission had taken note of a detailed proposal by Austria regarding the establishment of such an emergency mechanism. His delegation hoped that the experience gained in dealing with the two cases where Council resolution 1990/48 had been invoked would convince all member States of the usefulness, and indeed the overwhelming necessity, of such a mechanism.

83. At the invitation of the Austrian Government, the General Assembly had decided to hold the World Conference on Human Rights - the idea for which had been launched in its resolution 44/156 - in Vienna from 14 to 25 June 1993. Austria thus took particular interest in the thorough preparation and success of the Conference. Its objectives, set out in Assembly resolution 45/155 - a review of the progress made since 1948, an evaluation of the current system of protection offered by the United Nations, improved implementation of human rights instruments, enhancement of the competent mechanisms, examination of the link between development and universal enjoyment of all human rights, and provision of adequate resources for the United Nations human rights programme - had been adopted by consensus. It was thus surprising that the adoption of a draft agenda drawn up on the basis of those objectives had caused difficulties at the second and third sessions of the Preparatory Committee for the World Conference, and he was pleased to note that the delegation of Morocco had tabled a draft resolution (A/C.3/47/L.18), sponsored by more than 100 delegations, which contained as an annex a concise yet broad draft agenda, established on the basis of consultations with countries of all parts of the world.

84. The regional meeting held in Tunis, during which participating States had displayed a constructive attitude, and those soon to take place in San José and Bangkok, were of great importance. His delegation hoped that the draft resolution on the World Conference on Human Rights would be adopted by consensus, and that all Member States would contribute to ensuring a successful outcome for the Conference.

85. Civil and political rights on the one hand and economic, social and cultural rights on the other had long been known to be indivisible and interrelated. Lately, the relationship between human rights and development, which had also been highlighted by the Secretary-General in his report on the work of the Organization (A/47/1), had also been recognized. The connection between democracy and economic efficiency was becoming more and more apparent. In the current context, moreover, democracy did not mean the imposition of a particular model of government on other countries, but popular participation, good governance, public accountability and the rule of law. Consideration of that issue was thus of significance for the United Nations system as whole, and the World Conference on Human Rights could thus contribute to an integrated concept of the protection of human rights within the United Nations framework.

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(Mr. Schallenberg, Austria)

86. Just as the International Conference on Human Rights, held in Tehran in 1968, had made it possible to proceed from promotion to increased protection of human rights through the establishment of monitoring mechanisms, the forthcoming Vienna Conference could mark the beginning of an era of prevention of abuses by addressing the root causes of the denial of human rights. Austria believed that the Conference should not confine itself to producing a general declaration, but should also lead to a clear commitment by countries to strengthen international cooperation, and to enhance the effectiveness of human rights activities and mechanisms, including preventive activities.

87. Expansion of training and technical assistance programmes would require a strengthening of the Centre for Human Rights, both financially and in terms of personnel. The effectiveness of all monitoring mechanisms was directly affected by the inadequacy of those resources. The allocation of funds to those mechanisms within the United Nations budget was currently highly unsatisfactory. The draft agenda for the Conference was thus right to give prominence to means of securing the financial and other resources necessary for United Nations activities in the area of human rights.

88. The World Conference should also ensure the universality, objectivity and non-selectivity of its consideration of human rights issues. It was essential to frame international standards so that they would be acceptable to a broad spectrum of cultures and ideologies. They must be based on the concept of humanity as an indivisible and pluralist unity. That point had already been made in the 1987 report of the Independent Commission on International Humanitarian Issues, which the General Assembly had endorsed in resolution 42/120. It had been enlightening to hear members of the Human Rights Committee explain before the Third Committee that the human rights treaty bodies had always maintained that the universal applicability of the human rights instruments was an indispensable prerequisite for their work.

89. His delegation drew the Committee's attention to the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, which was the outcome of protracted and delicate negotiations stretching over more than a decade. The events that had taken place in Croatia and in Bosnia and Herzegovina and the situation of minorities in Serbia clearly demonstrated the importance of guaranteeing the rights of all ethnic groups living in a territory. Recent occurrences in various countries had proven that minorities must be enabled to participate effectively in the affairs of the country in which they lived. His delegation hoped that the draft declaration would be adopted without a vote and that it would then actually be implemented, so that situations of tension involving minorities could be overcome.

90. Mr. PERKINS (United States of America) said that he was pleased to announce that his Government had in 1992 ratified the International Covenant on Civil and Political Rights, but noted that, unfortunately, many Governments hich had signed international human rights treaties nevertheless continued to

(Mr. Perkins, United States)

violate human rights. The international community must therefore focus on seeing to it that the treaties were implemented. The United Nations played an important role in that regard by helping countries that were seeking to democratize. Yet it must also strengthen its ability to hold to account those countries that persisted in violating human rights. Moreover, the international community could not ignore the humanitarian tragedies currently unfolding in the world, like the starvation in Somalia or the ethnic cleansing in the former Yugoslavia.

91. Free and fair elections were only one element in the range of freedoms outlined in the Universal Declaration of Human Rights. For people to be truly free, they must live where the rule of law and fundamental freedoms were respected. In that connection, his Government considered it especially appropriate that, on the eve of the International Year for the World's Indigenous People, the Nobel Peace Prize had been awarded to Mrs. Rigoberta Menchu.

92. Surveying the situation of human rights in the world, his delegation noted with satisfaction that it had improved in some countries. In Cambodia, the Paris Accords signed in 1991 had paved the way for the repatriation of thousands. Much, however, remained to be done, and the Khmer Rouge's refusal to comply with its obligations under the peace accords was a matter of concern. In El Salvador, the United Nations-mediated peace talks had led to a cease-fire agreement, thus ending a bloody civil war. The considerable progress South Africa had made in dismantling apartheid was commendable. Nevertheless, the current situation was a serious cause for concern and there must be a speedy return to constitutional negotiations. The Governments of Botswana and Namibia had shown that they respected human rights, and Mali had carried out a successful transition to a democratically elected Government.

93. However, there were several countries where the human rights situation was so grave that it merited close scrutiny by the international community. His delegation called upon the Sudan, for instance, where there were serious human rights abuses, to cease forced relocations, respect international humanitarian law and give a full accounting of relief workers who had been executed or were missing. The war in the former Yugoslavia had introduced a new term to the vocabulary of human rights abuse: "ethnic cleansing". The United States condemned the violations of human rights by the Serbs in Bosnia and Herzegovina and in other parts of the former Yugoslavia. There had no doubt been atrocities on all sides, but an overwhelming proportion had been committed by Bosnian Serb forces, who must be held accountable. Of course, not all the people of Serbia were to blame for what was being done in their name.

94. The United States supported all steps to bring an end to the fighting and the war crimes, such as the London International Conference on the Former Yugoslavia, and the efforts of the Special Rapporteur, Mr. Mazowiecki, and it welcomed the establishment of the Commission of Experts on War Crimes. Iraq

(Mr. Perkins, United States)

as well continued to crush the rights of its people. By refusing to implement Security Council resolutions 706 (1991) and 712 (1991), the regime of Saddam Hussein had shown its contempt for the rights of the Iraqi people. The United States was also concerned over the situation in Iran, and called on the Islamic Republic of Iran to release all political prisoners and end extrajudicial executions. In Myanmar, the military rulers still refused to respect the results of the May 1990 elections. His Government hoped that the promise made by the Myanmar Minister for Foreign Affairs before the General Assembly to allow the Special Rapporteur to visit Myanmar, would be honoured, and it called for the immediate release of Nobel Peace Prize recipient Aung San Suu Kyi. The human rights situation in Cuba stood in strong contrast to that prevailing in Latin America, where there was a new generation of democratically elected leaders. The United States hoped that the Special Rapporteur would be allowed to visit Cuba. The Chinese Government's human rights practices also remained oppressive, falling far short of international norms. In addition, the regime in Equatorial Guinea continued to torture and arrest its critics.

95. Other countries had been reduced to anarchy and lawlessness. In Somalia, for instance, battles between armed factions provoked misery and starvation; in Liberia, a tenuous cease-fire had broken down and the country was again ravaged by civil war.

96. Elsewhere, once-democratic Governments had in the past year become less representative, as in Haiti, where the regime refused to respect the democratic process; in Peru, where democracy had suffered a blow when President Fujimori had instituted a coup in April; or in Algeria, where the electoral process had been interrupted. A number of countries around the world had attempted to come to terms with past human rights violations; and they were encouraged to persist in respecting fundamental freedoms. Although the human rights situation in Indonesia, especially in East Timor, remained of concern to the United States, it was encouraged by the Indonesian Government's initial response to the shootings in Dili on 12 November 1991. Similarly, the United States welcomed the preliminary steps taken by Chad, Malawi, Mauritania and Togo to improve respect for human rights, and it urged those Governments not to revert to repression. Despite the National Conference, the situation in Zaire remained a cause for concern, especially in the Shaba region.

97. The United States welcomed the CSCE decision's to establish the position of High Commissioner for National Minorities and to devote more attention to human rights issues like tolerance, migration and the role of the media. The World Conference on Human Rights would offer another opportunity for the international community to focus on intolerance and its causes, consequences and cures.

The meeting rose at 1.15 p.m.

UNITED NATIONS
General Assembly
FORTY-SEVENTH SESSION
Official Records

THIRD COMMITTEE
48th meeting
held on
Tuesday, 24 November 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 48th MEETING

Chairman:	Mr. DEKANY (Vice-Chairman)	(Hungary)
later:	Mr. KRENKEL (Chairman)	(Austria)

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In the absence of Mr. Krenkel (Austria), Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

TRIBUTE TO THE MEMORY OF KAYSONE PHOMVIHANE, PRESIDENT OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

1. At the invitation of the Chairman, the members of the Committee observed a minute of silence.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, 434, 479, 501-504, 552, 626, 630, 668, 701 and 702)

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AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/47/247; A/C.3/47/9)

2. Mr. MONGBE (Benin) said it was becoming more widely recognized that the denial of human rights gave rise to social and political disorder and to conflict between nations. A greater number of human rights violations occurred in countries under non-democratic or dictatorial regimes. Respect for human rights assumed a certain political and social climate, and it had become commonplace to link democracy and respect for human rights.

3. Pluralism was a pre-condition for the enjoyment of human rights. In post-colonial Africa, the desire for social unification and creation of a national identity had been behind the authoritarian methods chosen by almost all African Governments after independence. Human rights violations had been common, and many African leaders had become mired in corruption, looting national treasuries and leaving their peoples in poverty. It was shocking that those leaders had often received support from countries that believed in the promotion of human rights. Against that background, the need for the changes currently under way to promote human rights in Africa could be understood.

4. In addition to a favourable political and social climate, certain economic conditions were necessary for the establishment of such rights. His delegation believed that the right to development should henceforward be a priority. The 1992 Rio Declaration on Environment and Development recognized that the right to development must be fulfilled so as to equitably meet

(Mr. Mongbe, Benin)

developmental and environmental needs of present and future generations. The legal basis for the right to development already existed in international law and General Assembly resolutions, but its realization required the dismantling of the current unjust international economic order under which two thirds of humanity could not meet their basic needs. That right was incompatible with the subhuman conditions endured by millions in Africa, Asia, Latin America and the Caribbean.

5. Knowledge of human rights was a basic condition for their enjoyment. Providing education in human rights and methods for their protection was a duty of States, international organizations, educational establishments and non-governmental organizations. The moral and intellectual education of youth as well as adults in the understanding of other peoples could improve prospects for the exercise of human rights. Benin had decided to introduce human rights education at all levels of its educational system. The mass media could also play a role in that regard.

6. The international community would have another opportunity to consider all aspects of the question of human rights at the World Conference on Human Rights to be held at Vienna in 1993. That Conference, taking place during a time of great change, should be prepared with great care. Benin had participated in the African preparatory meeting for the Conference, held recently in Tunis, at which it had joined in condemning religious extremism and in calling for the dismantling of apartheid.

7. The maintenance of peace and security, economic development and respect for human rights were interdependent and could not be pursued separately. Consequently, the dissatisfaction of one State with the human rights policy of another could not be expressed through armed aggression. The question of whether development assistance could or should be used as a means of pressuring a country to correct human rights violations had no simple answer, however. Development cooperation must benefit the people in greatest need, and was unjustified if it benefited only those in power. When the human rights situation in a given country deteriorated, development assistance should focus on improving people's living conditions. The greatest caution should be exercised in using it as a means of punishing human rights violations.

8. Mr. LUNA (Peru) said that the 1993 World Conference on Human Rights should give continuity to the international community's commitment to the promotion and protection of human rights. It would also help to strengthen the spirit of consensus towards that goal. Evaluation of obstacles to the promotion of human rights and ways to overcome them would be a major topic of discussion. Through an in-depth examination of that topic, international efforts to protect human rights could be harmonized with the ability of States to ensure their own viability, protect society and modernize their political systems. The United Nations must go beyond its current focus on investigation, which was limited to judging the conduct of only certain States, thereby weakening the common commitment of the international community and each State to the individual.

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(Mr. Luna, Peru)

9. The administrative reforms being undertaken in the Secretariat in the area of human rights should take into account the need to change the rigid ideological focus developed during the cold war. The reforms should be aimed at inculcating a new vision and a conceptual adaptability on the part of officials in the human rights field with a view to ensuring that respect for human rights became the foundation of a universally accepted legal order.

10. The investigation of States which were undertaking structural changes, rebuilding their societies and identifying their true priorities could have unfavourable consequences: if the precarious means available to such States were inhibited, there was an increased risk of terrorist attacks against national security. Dogmatism and moralistic postures must be put aside and new methods found.

11. At the current stage of international relations, a dynamic link between economic freedom, a democratic system and human rights could be demonstrated. In the application of human rights standards, however, it was necessary to bear in mind the particular history of each people. The force of that history explained how some societies, overcoming terrorist groups motivated by a doctrine of division and destruction, found the strength to persevere on the path of change, in order to protect their democracy and turn towards the future.

12. With regard to the problem of terrorism in Peru, he reiterated his Government's determination to eradicate that phenomenon, which constituted the most bloody and systematic violation of human rights in his country.

13. The publication of statistics on crimes by the Sendero Luminoso and the Movimiento Revolucionario Túpac Amaru (document A/47/465), supplemented by data submitted to the Commission on Human Rights, provided detailed information on terrorist groups in Peru. It was to be hoped that the data would stimulate an innovative approach. In that connection, it should be kept in mind that Peru, by virtue of its political complexity, the global impact of its problems and the courage of its people in facing them, was in the vanguard of States which were facing the onslaught of new threats such as terrorism, drug trafficking and corruption.

14. In its efforts to achieve peace, his country had been supported by a number of countries in the international community. The Organization of American States had firmly condemned the actions of terrorist groups in Peru, thereby demonstrating the solidarity of the countries in the region. The Swedish Government's decision to expel from its territory individuals linked with terrorist movements represented an encouraging change of attitude.

15. The ongoing defence of democratic and human values and the determination of the Peruvian people to preserve their identity had enabled the Government to make decisive advances in combating terrorism, including the capture of the leader of the Sendero Luminoso and the recent dismantling of the leadership of

(Mr. Luna, Peru)

that organization. Those events had been welcomed by other Governments, including the United States, and such messages of solidarity had helped to strengthen his country's resolve to achieve stability and peace.

16. The legitimate use of force in defence of society and its democratic institutions did not preclude the humanitarian gesture of pardon. Since his Government had passed the act of pardon in May 1992, more than 1,500 terrorists had laid down their arms and complied with the procedures for their full integration into civilian life.

17. Peru had recently elected a Constituent Democratic Congress, the members of which would be drafting a new constitution and reviewing the executive branch. The tacit mandate of the Congress was to address the fundamental problems of the nation based on the real interests of the people, free from anachronistic ideological debate. His Government hoped that the international community would provide the necessary assistance during that difficult period of transition.

18. Ideological rivalry had politicized the issue of human rights, each country manipulating it for its own political ends. The current political climate called for renewed idealism and provided an opportunity for States to free themselves from the past and to work together to develop more precise human rights criteria and more effective methods to ensure respect for those rights.

19. Mr. JALLOW (Gambia) observed that a new world order was emerging, based on political pluralism, self-determination and respect for human rights. His country had always endorsed respect for human rights and fundamental freedoms, at both the national and international levels. It had accordingly served as a venue for international human rights activities and was host to the African Centre for Democracy and Human Rights Studies.

20. The transition between the end of the cold war and the rise of a new world order called for even greater efforts to ensure human rights and, in that connection, his country appreciated the work of the United Nations and of governmental and non-governmental organizations. It welcomed the expanded scope and complexity of United Nations activities in the field of human rights, including advisory services and technical assistance programmes. Countries such as his own which lacked the financial resources to promote or ensure human rights had benefited enormously from such assistance, which had helped strengthen national human rights organizations and enabled them to develop links with regional organizations.

21. The world continued to witness violations of human rights on a massive scale, making the United Nations task an arduous one. His Government remained a firm advocate of the inherent right to life of all human beings, as guaranteed by law. It deplored the numerous summary or arbitrary executions worldwide and called on the international community to develop the means to eliminate such actions.

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(Mr. Jallow, Gambia)

22. It was particularly concerned by the policy of "ethnic cleansing" in the Republic of Bosnia and Herzegovina and the nationalist tendencies of the warring factions in Somalia, which were wiping out the most vulnerable groups in those countries. Of concern also were continuing human rights violations in South Africa and the failure of that country's Government to ensure the safe return and full integration of political exiles and returnees. The situation in war-torn Liberia was lamentable and called for a concerted international effort to establish lasting peace and stability in that country.

23. The World Conference on Human Rights in 1993 would no doubt address such issues as ethnic cleansing, the impact of civil war on human rights, the dominance of political ends over humanitarian law and the effects of fear and insecurity on fundamental freedoms. The Conference would also help to evaluate progress and determine future directions.

24. The observance in 1993 of the International Year for the World's Indigenous People would help focus on the plight of that group and would enable the international community to renew its commitment to protecting and promoting the rights of indigenous peoples.

25. His delegation noted with satisfaction the implementation of the African decade for child survival, proclaimed by the Organization of African Unity, and the commemoration on 16 June each year of the Day of the African Child. Those activities, which were linked to the Convention on the Rights of the Child, formed the basis for a donors' conference on assistance to African children currently being held in Senegal. He called on the international community to endorse the objectives of that conference.

26. Mr. NOBILO (Croatia) said that full and unconditional respect for human rights was essential for world peace and stability. The end of the cold war had given rise to hopes that respect for human rights could finally be ensured; unfortunately, those hopes had diminished in the light of new regional conflicts around the world which not only endangered world peace but entailed serious violations of human rights. His Government called on all parties involved in those conflicts to seek peaceful and just solutions based on respect for human rights and the territorial integrity and sovereignty of States. It stressed, however, that respect for human rights was both an internal and a global issue and that the international community had the right to set human rights standards and to monitor their implementation.

27. His delegation had hoped that the recent rebirth of democracy in Easter and Central Europe would mark the start of an era of peace, prosperity and respect for human rights. Yet, the policy of aggressive nationalism, territorial expansionism and "ethnic cleansing" pursued by the regime in Serbia and Montenegro had lead to all-out war and the most massive violations of human rights since the Second World War. The Yugoslav Army, along with Serbian paramilitary units and mercenaries, had "cleansed" non-Serbs from one third of Croatian territory, engaging in extreme forms of violence and

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(Mr. Nobilo, Croatia)

causing the displacement of over a quarter of a million people. "Ethnic cleansing" also meant the destruction of the homes, cultural monuments and land records of the victims, thus making it impossible for them to return and paving the way for Serbs to settle in those regions and claim they had been the sole inhabitants.

28. The policy of "ethnic cleansing" had been applied on an even greater scale in Bosnia and Herzegovina. According to a number of well-documented reports on the situation of human rights in the territory of the former Yugoslavia, including those of the Special Rapporteur of the Commission on Human Rights (A/47/418 and A/47/635), heinous crimes were being committed both in the concentration camps and in the villages and towns of the Republic.

29. It was his Government's firm belief that the crimes committed by Serbian paramilitary units and the Yugoslav Army were examples of genocide, as described in article II of the Convention on the Prevention and Punishment of the Crime of Genocide. The time had come for the international community to act. In that connection, Croatia commended the recent establishment by the United Nations of a war crimes tribunal and was contributing to the work of that body by gathering evidence of war crimes in its own territory and in that of Bosnia and Herzegovina. According to a recent report by Helsinki Watch, the individuals who should be tried for war crimes included the President of Serbia, the Chief of Staff of the Yugoslav Army and the President of the Serbian Democratic Party of Bosnia and Herzegovina.

30. Gross violations of human rights were also occurring in other areas of the former Yugoslavia. The Serbian Government was attempting to resettle Serbs in the province of Kosovo at the expense of the Albanians who made up 90 per cent of the population. The latter were subject to arbitrary detention, torture and other forms of mistreatment and were denied the right to education in their own language. In the Serbian province of Vojvodina, Serbian paramilitaries were terrorizing and forcibly displacing non-Serbs and the Belgrade authorities had done little to halt such practices. There had also been numerous reports of beatings, disappearances and murder of Slavic Muslims in the region of the border between Serbia and Montenegro.

31. The international community must respond to those violations of human rights as they could easily engender regional conflicts, involving neighbouring countries. The United Nations could speed up that process by undertaking to implement in a consistent fashion its resolutions pertaining to the former Yugoslavia. The entire issue was in a sense a test case: the response would demonstrate whether the rule of law would prevail over acts of genocide.

32. His country had a fundamental policy of ensuring respect for the rights and equality of all its citizens. The Government had also enacted specific legislation recognizing the collective rights of minorities in the territory of Croatia, including education in their own language, religious freedom and local self-administration.

33. Mr. GARRETON (Chile) said that his delegation looked forward to the adoption by the General Assembly of the draft declaration on the protection of all persons from enforced disappearance. That text was of particular importance to the southern cone countries of Latin America, including his own, where enforced disappearances represented a serious problem. It was well-documented that before the restoration of democracy in Chile, more than a thousand individuals had disappeared while in the hands of the de facto authorities, with the authors enjoying guaranteed impunity. Investigations had been carried out diligently by, among others, the Latin American Federation of Associations for Relatives of Disappeared Detainees (FEDEFAM), which had been the driving force behind the draft declaration.

34. His Government would have preferred a binding instrument relating to that issue. However, the draft declaration contained important provisions designed to ensure that justice prevailed, including a prohibition on investigations of enforced disappearances by military courts, extension of liability for such crimes, and a prohibition on amnesty. His Government endorsed the provisions contained in the declaration under which States agreed to act at the national and regional level and in cooperation with the United Nations to combat enforced disappearances and to bring to justice the persons responsible for such acts.

35. The General Assembly would also be considering at the current session the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. That text was particularly relevant in view of the revival of the policy of "ethnic cleansing", the alarming resurgence of xenophobia and racism in a number of countries, and the inauguration in December 1992 of the International Year for the World's Indigenous People. Noteworthy among the provisions of the declaration was the granting of the status of "people" to minorities and the recognition that "positive discrimination" was not prima facie contrary to the principle of equality set forth in the Universal Declaration of Human Rights.

36. His delegation believed that enhancing the effectiveness of the principle of periodic and genuine elections was unquestionably a human rights issue. The only lasting and democratic structures were the outcome of rational debate, engaged in freely by the people. His delegation also believed that the right of self-determination belonged to peoples rather than to Governments. Self-determination and democracy were inextricably linked and in fact together could be considered the human right to democracy. The General Assembly should strive to ensure that all peoples exercised their right to self-determination through the holding of genuine elections.

37. The forthcoming World Conference on Human Rights should be a magnificent opportunity for a meeting of cultures and peoples, on a par with that which had preceded the adoption of the Universal Declaration of Human Rights. His delegation was very seriously concerned that it had still not been possible to draw up a consensus agenda for the Conference. In spite of the efforts by some Governments, the Centre for Human Rights and many non-governmental

(Mr. Garreton, Chile)

organizations, it did not appear that the Conference had raised much hope among peoples for a real improvement in their situation. Chile supported draft resolution A/C.3/47/L.18 on the understanding that it covered all the points that justified the holding of the Conference at a sufficient level of generality not to exclude any vital issue and a sufficient degree of specificity to prevent extraneous debates. The approval of that agenda should also serve as the basis for the forthcoming regional meeting to be held by the Latin American and Caribbean States in Costa Rica.

38. Mr. JOSHI (Nepal) said that his country strongly supported the principles of democracy and human rights. Free elections had been held two years earlier under a multiparty system and had been monitored by an international team of experts. The Constitution, which proclaimed Nepal as a multi-ethnic, multi-lingual, democratic constitutional kingdom, enshrined the fundamental rights of the people and laid down principles to guide the State in protecting their civil, political, economic, social and cultural rights. The Government was currently enacting new laws and amending existing ones to bring its legislation into conformity with the international human rights instruments.

39. Shortly after coming into power, his Government had ratified all the major international human rights instruments, reflecting Nepal's strong commitment to protecting and promoting the rights of its people. Principles that fostered human rights, development and democracy served as the foundation for the newly constituted Government. Poverty and mass illiteracy, however, were the biggest impediment to effective enjoyment of human rights in developing countries. While democracy and respect for human rights were necessary for the establishment of a society based on the rule of law, they could not ensure economic development. In that regard, he reaffirmed his country's support for the Declaration on the Right to Development. A consensus was slowly emerging on the interdependent nature of all human rights and the obligation of States and the international community in general to cooperate in enhancing the enjoyment of not only civil and political but also economic, social and cultural rights.

40. The existing international economic system could not be considered equitable or just. Enhanced multilateral cooperation was needed to revitalize the socio-economic development of developing countries and create a climate conducive to respect for human rights.

41. His Government, which was fully committed to enabling the Nepalese people to exercise their right to development as a basic human right, sought to meet their basic needs with regard to food, shelter and clothing and had also formulated policies to ensure universal access to education and health. The forthcoming World Conference on Human Rights would provide a unique opportunity to address the issue of human rights and development and recognize the importance of establishing a favourable international climate for the effective enjoyment of human rights, while ensuring the principles of universality, objectivity and non-selectivity.

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42. Miss ATTAH (Nigeria) said that in view of the conflicts and problems in various parts of the world, the international community must continue to ensure respect for human rights and fundamental freedoms. The Centre for Human Rights continued to give much-needed support to regional human rights organizations and it was hoped that the United Nations would ensure that the Centre had the necessary funds to carry out its increased responsibilities.

43. At its meeting in March 1992 in Tunis, the African Commission on Human and Peoples' Rights had adopted a plan of work that included the organization of training courses and the establishment of an information and documentation centre to promote the work of the Commission and non-governmental organizations.

44. In Nigeria, the Centre for Democratic Studies continued to play a significant role in the transition to democratic, civilian rule and trained representatives of professional groups, labour unions, business organizations and human rights groups desiring to monitor elections, especially the presidential elections to be held in June 1993.

45. The right to development was an inalienable human right and of particular importance to developing countries since it would guarantee their transition to a democratic system. Her delegation hoped that the right to development would be given priority on the agenda for the 1993 World Conference on Human Rights. Nigeria attached great importance to the Conference, which should evaluate United Nations achievements in promoting respect for human rights and chart a course for subsequent decades. The Conference should give priority to the issue of development and the linkage between development, democracy and human rights.

46. Nigeria also welcomed the proclamation of 1993 as the International Year for the World's Indigenous People and stressed the need to ensure the rights of indigenous peoples. The international community should provide generous contributions in order to ensure the success of the activities of the Year.

47. Mr. STEFANOV (Bulgaria) said that the Centre for Human Rights, as an important part of United Nations human rights machinery, should be provided with the necessary resources to carry out its increased workload. Better awareness of human rights and fundamental freedoms on the part of every individual was essential for their implementation. The dissemination of information and the provision of technical services in the field of human rights were becoming increasingly important. Since the end of 1991, his Government had been participating in a technical cooperation programme with the Centre in the field of documentation, information and training.

48. There was a growing need for an adequate information system to foster public awareness of human rights and fundamental freedoms on a global level and to build a universal culture of human rights. The various activities undertaken within the framework of the World Public Information Campaign for Human Rights and the advisory and technical programmes of the Centre for Human

Rights had proved particularly useful and should be strengthened to meet increasing demands by Member States.

49. Since accession to international human rights instruments did not ensure their observance, the monitoring of the implementation of human rights was of increasing importance and in no way constituted interference in the internal affairs of any country. The system of mechanisms established within the Commission on Human Rights should help in dealing with existing human rights problems. The Governments that had not cooperated thus far with the special rapporteurs and representatives should assist them in carrying out the mandates entrusted to them by the Commission.

50. United Nations election-monitoring missions could play a significant role in protecting human rights, guaranteeing impartiality and promoting the electoral process. In view of the growing number of requests by Member States for electoral assistance, Bulgaria welcomed the appointment of a focal point for electoral verification and assistance within the Secretariat. Lastly, he stressed the importance which Bulgaria attached to the activities of non-governmental organizations in the social and humanitarian fields. Apart from monitoring observance of human rights, they could play an important part in raising overall awareness of those issues.

51. Mr. ZABIGAILO (Ukraine) said that the collapse of the Soviet empire had opened the way for the real development of democracy in the newly independent States. After declaring its independence in August 1991, his country had held a national referendum in December of that year, in which 90 per cent of the electorate, consisting of both Ukrainians and representatives of national minorities, had overwhelmingly voted in favour of an independent State. On that same day, the first President of a sovereign Ukraine had been elected.

52. From the very outset, the primacy of human rights had been a cornerstone of his country's policy to establish a new society on the basis of a market economy and individual freedom. Ukraine's participation in the Conference on Security and Cooperation in Europe reflected its commitment to democratic values and policies. The freedom of citizens to participate in economic and political decisions was of key importance for the implementation of human rights. Respect for the right to own property promoted the development of individual freedom and strengthened other rights and freedoms. His country's legislation had enshrined the right to own private property and provided reliable protection for foreign investors.

53. The international community should provide the necessary assistance to States that wished to ensure the development of individual citizens and society as a whole. Currently, Ukraine lacked resources to guarantee the immediate and comprehensive implementation of all rights and freedoms in accordance with its international obligations and domestic legislation. Accordingly, it welcomed the possibility to cooperate with the United Nations,

(Mr. Zabigailo, Ukraine)

its electoral-monitoring bodies and individual States in order to ensure respect for economic, social, cultural, civil and political rights.

54. The International Covenants on Human Rights were at the very basis of the radical changes occurring in the legal system in his country. The protection of human rights and freedoms was an integral part of the new draft constitution currently under review by the Parliament. There were new legislative acts regarding citizenship, social security, the judicial system, public prosecutors and alternative military service. They included the right to personal immunity, the right to a fair trial, freedom of movement, freedom of assembly and association and the right to participate in government; they also covered the rights and freedoms of national minorities, in particular through the conclusion of bilateral agreements.

55. The Special Rapporteurs of the Subcommission on Prevention of Discrimination and Protection of Minorities were particularly instrumental in ensuring that international standards of human rights were upheld. However, the rather long intervals between reports somewhat reduced the effectiveness of the system. Furthermore, States were not legally obligated to provide information. He supported the view that the adoption of new international instruments on human rights should not lead to the creation of additional bodies. It was more important to assess existing agreements seriously and adopt new ways of ensuring that human rights were protected. To that end, his delegation actively supported the forthcoming World Conference on Human Rights.

56. Mr. BIGGAR (Ireland) said that discrimination against a person on grounds of religion or belief was particularly insidious, given the importance of religion in defining cultural or national identity. Despite the fact that all major religions and systems of belief proclaimed tolerance for the views of others, intolerance based on religion had been a major factor throughout history in conflicts and in the persecution of other human beings. The issue of freedom of religion and belief was central to the concerns of those working to guarantee human rights and fundamental freedoms. Freedom of religion and belief was enshrined in a number of international human rights instruments. That had not led, however, to the eradication of intolerance: individuals and groups in many parts of the world continued to be persecuted on account of their beliefs.

57. Governments should ensure that their constitutional and legal systems provided enforceable guarantees of freedom of religion or belief, including adequate remedies for violations of those rights. They must also ensure that the rights were respected in practice, for example, by ensuring that the police, security forces and administrators treated all citizens equally, irrespective of their religion or belief. Governments should also ensure that school curricula inculcated understanding and tolerance in society.

58. The United Nations and other international organizations could play a significant role by disseminating information on the need for tolerance. It

was hoped that non-governmental organizations would continue to play their traditional role in promoting tolerance and bringing to light cases of discrimination and intolerance. Lastly, it was the responsibility of individuals to examine their own attitudes and ensure that their views and actions did not promote intolerance.

Statements in exercise of the right of reply

59. Mr. YOUSIF (Sudan) said that the statements made by the United Kingdom and the United States at the previous meeting had included groundless accusations against his country and, grossly misrepresenting the situation, had alleged wide-scale human rights violations. A special representative of the Secretary-General who had visited the Sudan that month had in no way corroborated the allegations levelled by the United Kingdom and the United States. An independent expert appointed by the Commission on Human Rights was currently in the Sudan and receiving the full cooperation of the Government in his investigation of all alleged violations. His Government continued to protect innocent civilians from attacks and to search for a peaceful solution to the conflict.

60. Mr. HUSSEIN (Iraq) said that he had listened to the human rights accusations made against 36 countries by the representative of the European Community (EC), who pretended to ignore the decades of oppression by European countries, including his own, against the third world. The peoples of the third world saw in such feigned concern for human rights on the part of the members of the Community an attempt to whitewash their own dishonourable record; he regretted that the EC delegate had not touched on human rights violations in certain European countries, particularly the United Kingdom, where the human rights of an entire people were being violated. In the current age of force and hegemony, the developing countries would not flourish so long as the developed countries had vital interests there. A minimum of decorum was required in addressing human rights questions.

61. While not presuming to take the defence of other countries, he wished to reply to the accusations made by the representatives of the United Kingdom and the United States regarding discrimination in his country, the bombing of civilians in southern Iraq and other claims made by the Special Rapporteur of the Commission on Human Rights concerning Iraq at the instigation of the United Kingdom and the United States. As Mr. Tariq Aziz, Deputy Prime Minister of Iraq, had said that morning in the Security Council, the idea of discrimination against Shiites or Sunnites was ludicrous. Arab and Islamic history had known no such confessional strife as that between Catholics and Protestants in Europe. Such propagandist claims were part of a wide-scale plan to partition Iraq in order to enable the colonialist countries to regain control of the oil. Iraqis, whether Shiite or Sunnite, Muslim or Christian, Arab or Kurd, and others, did not need the sympathy of those countries which had oppressed them historically or had dropped over 100,000 tons of bombs on them during the Gulf war. Despite the conspiracies against them, the Iraqis

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(Mr. Hussein, Iraq)

were united as a people around their leadership and were in no doubt as to the true aims of that feigned concern.

62. Regarding those killed in southern Iraq, Iraq had suggested to the Security Council that it should dispatch an observer mission to the area to ascertain the situation at first hand; Mr. Aziz had wondered why the Security Council had not done so. The United States representative had said in the Security Council that United States President Bush had resolved to save the Shiites in Iraq. If Bush was so concerned about the Shiites as a religious group, why had he done nothing about the Shiites in southern Lebanon, who were subjected to daily bombardment by Israeli aviation? Perhaps it was because they had no oil, only apples and oranges, and thus did not warrant the sending of whole fleets of warships and aircraft. The southern marsh region was constantly visited by parliamentarians and journalists from various countries, including Western ones, who knew the true state of affairs there.

63. As to the protection of the Kurds, interested delegates should read the article published that same day by The New York Times on what was happening to the Kurds in Turkey near the Incirlik base used by the coalition forces: the Kurdish problem was being dealt with in a manner similar to the selective protection of the Shiites.

64. Such ignominious claims and fabrications regarding his country only served to strengthen his delegation's intimate conviction that the major Powers would not shrink from destroying peoples and partitioning countries in order to promote their own interests under the cover of humanitarian and moral slogans. The Iraqi people knew full well that the attempt to starve it by stubbornly maintaining the embargo was the work of the more influential members of the Security Council, in particular the United States and the United Kingdom.

65. Mr. ZHANG Yishan (China) said that the representatives of the United Kingdom and the United States of America had levelled gratuitous and unfounded accusations at China to which he wished to take exception. Such attacks reflected the politicization of human rights issues and the selectivity with which they were discussed. Those two phenomena had been steadily increasing in recent years, notwithstanding the appeals by many countries for a strengthening of international cooperation to promote the protection of human rights and fundamental freedoms. A number of countries, the United Kingdom and the United States among them, actively sought out human rights violations in countries with which they were displeased; in the case of other countries, they turned a blind eye to such violations for the sake of political expediency. Where their allies were concerned, they found no fault at all.

66. He wondered whether the experts who attended United Nations meetings on human rights had ever heard either the United Kingdom or the United States criticize their own human rights records or those of countries belonging to

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(Mr. Zhang Yishan, China)

their regional group. He wondered also why resolutions dealing with human rights singled out only developing countries; surely it was not because the United Kingdom and the United States were model defenders of human rights. If those countries sincerely wished to promote human rights, perhaps they might consider submitting a draft resolution on the problems in Northern Ireland and Los Angeles or the problem of xenophobia. He was certain that quite a few developing countries, including China, would be willing to sponsor it.

67. China had been pursuing a policy of reform and opening up to the outside world which had led to economic growth and contentment among the Chinese people. That had not been an easy task for the world's largest developing country with more than one fifth of the world's total population, and it could not have been achieved if the Government and people had not been of one heart and one mind. Yet the representatives of the United Kingdom and the United States persisted in looking at China through tinted spectacles which afforded them a distorted view of the situation in that country. Thus political stability was viewed as suppression of differing political views; public order was seen to be achieved by oppressing minorities; and the people's contentment was construed as an absence of freedom of speech. The representatives of the United Kingdom and the United States ought to take off those tinted spectacles and try to get to know the real China a little better.

68. With regard to the question of Tibet, the representative of the United Kingdom had groundlessly and slanderously accused the Chinese Government of repressing the Tibetan people. It was well known that Tibet formed an indivisible part of China. The Tibetan people enjoyed the same civil, political, economic, social and cultural rights as all ethnic minorities in China. The question of Tibet was not an ethnic, religious or human rights question: it was the result of efforts to reimpose a backward system of serfdom carried out by a few who were being encouraged by a handful of foreign countries to wrest Tibet away from China. Those efforts were nothing more than intervention in the internal affairs of a sovereign State.

69. The statement by the representative of the United Kingdom on behalf of the European Community had cited the names of numerous countries, yet nothing had been said about the instances of racial discrimination, xenophobia and neo-nazism occurring in the Community itself.

70. The United Kingdom had been meddling in Tibetan affairs since the beginning of the colonial period, seeking always to separate Tibet from China. Colonialism had become history, and it had been assumed that the United Kingdom had learned from history and had abandoned the misguided policy of that period. Yet remnants of that policy seemed to linger on. He wished to point out that the illegal actions of the colonial period were not acceptable as the world moved into the twenty-first century. Perhaps the United Kingdom representative should pay a bit more attention to the question of Northern Ireland.

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71. Mr. JAAFARI (Syrian Arab Republic) noted that the United Kingdom delegate, speaking on behalf of the European Community, had expressed concern over human rights violations in a number of countries, including the Syrian Arab Republic. Those criticisms had been made from a purely European point of view, which should not be the sole yardstick for dealing with that extremely sensitive topic. An objective appraisal of human rights should not be preferential, discriminatory or selective, and should take into account the political, social, religious and cultural circumstances of non-European peoples. A single country or group of countries should not set itself up as the arbiter of other countries on human rights, which were of concern to the entire international community, and which the Committee was endeavouring to promote through the holding of the World Conference on Human Rights.

72. Human rights should not be used as an instrument of political pressure; all nations had a right to manage their political, economic, cultural and social systems on the basis of national sovereignty and self-determination, as enshrined in the Charter and other international instruments. That did not preclude positive interaction and the exchange of experience among the peoples of the world. Democracy was nowhere fully exemplary, nor was there a single valid model for it. Rather, it was an evolving practice closely linked to the circumstances of each country. The foundations of the new world order should not reflect the views of some at the expense of others, but should respect the specific circumstances and customs of peoples. Cooperation was not at variance with democracy, and in particular what might be called international democracy, which should benefit from the positive changes in the international situation to avoid the mistakes of the past. He hoped that certain delegations would not use the subject of human rights as a pretext for interference by proxy in the internal affairs of States along the lines of the diplomacy of war by proxy, from which the world had so long suffered.

73. Mr. HYON Hak Bong (Democratic People's Republic of Korea) said that the representative of the United Kingdom had sought to distort the facts about the People's Democratic Republic of Korea, which categorically rejected the allegations as being groundless and politically motivated. In his country, all the requirements under the two International Covenants and other relevant international human rights instruments were being fully implemented and were guaranteed by law. His Government's policy was based on a man-centred philosophy designed to serve the people; they enjoyed all human rights and fundamental freedoms, which were fully guaranteed by the Constitution. It was ironic that the United Kingdom should stand as a champion of human rights, dictating to others what they should or should not do, when it had its own serious human rights problems which it should address before blaming others for alleged violations.

74. Mr. MORA GODOY (Cuba) said that his delegation reserved the right to reply to the statement by the United Kingdom representative at a later stage, since that statement called for comment on a wider issue, namely military occupation.

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(Mr. Mora Godoy, Cuba)

75. The statement by the United States delegation, although not substantially different from its usual demagogical utterances on human rights, had pre-empted questions by other delegations about the United States' own problems and denied any claim to a monopoly over human rights. The arguments put forward by the United States representative in anticipation of those questions merely revealed his Government's latent cynicism and imperialist designs. Under what authority did that Government assume the right to single out another country for blame simply because it was not to its liking?

76. In the United States, the proclaimed principles of being born free and created equal applied only to Whites. Throughout its history, its behaviour had been characterized by immaturity, a difficulty in establishing serious, respectful relations with neighbouring or remote countries and inflexibility, fluctuating between the extremes of isolationism and "big stick" interventionism. Considering itself to be invested with a moral mission to bring its idea of democracy to the world, it had always stood in judgement and not sought to understand. Not only did its own history disprove its claim to exercise any such moral authority, but no nation had any such authority. If the United States put an end to its interference in the affairs of others as a self-appointed master of the planet, it would spare itself the opprobrium of other peoples.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/47/L.39-L.44)

Draft resolution A/C.3/47/L.39, concerning the Genocide Convention

77. Mr. FISENKO (Belarus), introducing the draft resolution on behalf of Poland and his delegation, said that the crime of genocide had caused immeasurable losses throughout history, as witnessed by recent events in the former Yugoslavia, the Caucasus and other regions of the world. The sponsors hoped that the draft resolution would receive the Committee's unanimous support.

Draft resolution A/C.3/47/L.40, concerning the United Nations Voluntary Fund for Victims of Torture

78. Mr. VENTEGODT (Denmark) introduced the draft resolution on behalf of the original sponsors, and Costa Rica and Sri Lanka. In 1992, 71 grants for projects around the world had been recommended by the Board of Trustees to be supported by the Fund. There was a large and unsatisfied need for assistance, which had prompted the Under-Secretary-General for Human Rights and the Chairman of the Board of Trustees of the Fund to ask Governments which were not regular donors to contribute, and Governments which were regular donors to increase their contributions. The sponsors hoped that the draft resolution would be adopted by consensus.

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Draft resolution A/C.3/47/L.41, concerning the Migrant Workers Convention

79. *Mrs. AGUILERA* (Mexico) introduced the draft resolution on behalf of the original sponsors and Argentina, Costa Rica, Croatia, Nicaragua, Rwanda and Sweden. In the light of the new aspects of international migration, she urged all Member States to support the draft resolution and expressed the hope that it would be adopted without a vote.

Draft resolution A/C.3/47/L.42, concerning the implementation of human rights instruments

80. *Mr. KESSEL* (Canada) introduced the draft resolution on behalf of the original sponsors and Italy. He revised the text of paragraph 12, removing the phrase "in the light of the deliberations of the Commission on Human Rights". The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/47/L.43, concerning the Convention on the Rights of the Child

81. *Ms. STROM* (Sweden) introduced the draft resolution on behalf of the original sponsors and Austria, Bangladesh, Barbados, Burkina Faso, China, Costa Rica, Cyprus, Egypt, Estonia, Germany, Greece, Italy, Kenya, New Zealand, Nicaragua, Poland, Rwanda, Samoa, Spain, Sri Lanka, the Sudan, Thailand, Tunisia, Ukraine and Venezuela. The sponsors hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/47/L.44, concerning the Convention against Torture

82. *Mr. PETERS* (Netherlands) introduced the draft resolution on behalf of the original sponsors and Argentina, Costa Rica, El Salvador, Nicaragua, Poland, Spain and Uruguay. They hoped it would be adopted without a vote.

The meeting rose at 6.10 p.m.

UNITED NATIONS
General Assembly
FORTY-SEVENTH SESSION
Official Records

THIRD COMMITTEE
49th meeting
held on
Wednesday, 25 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 49th MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. SRIVIHOK (Vice-Chairman)	(Thailand)
later:	Mr. KRENKEL	(Austria)

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(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

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* Items considered together.

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued) (A/47/60-S/23329, A/47/67, A/47/82-S/23512, A/47/84-S/23520, A/47/88-S/23563, A/47/89-S/23576, A/47/91-S/23585, A/47/122-S/23716, A/47/126, 172, 175, 180, A/47/204-S/23887 and Corr.1, A/47/225-S/23998, A/47/256-S/24061, A/47/267, 268, 280, A/47/290-S/24204, A/47/296, A/47/335-S/24306, A/47/343, A/47/351-S/24357, A/47/356-S/24367, A/47/361-S/24370, A/47/366, A/47/392-S/24461, A/47/465, A/47/476, A/47/527-S/24660, A/47/569, A/47/671-S/24814)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501, 502, 503, 504, 552, 626, 630, 668, 701 and 702)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, 617, 621, 625, A/47/635-S/24766, A/47/651, 656, A/47/666-S/24809 and A/47/676)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (A/47/247; A/C.3/47/9)

1. Mr. GROTH (Special Rapporteur on the situation of human rights in Cuba), after pointing out a translation error at the end of the third sentence of paragraph 60 of the English version of his report (A/47/625) (where the words "seem to have so far had an impact" should be replaced by "seem not to have so far had an impact"), recalled that he had been designated Special Rapporteur pursuant to resolution 1992/61 of the Commission on Human Rights, following the resignation of the Special Representative of the Secretary-General. Immediately upon his appointment, he had sought to establish direct contact with the Cuban Government and had considered going there so as to better assess the human rights situation. However, the Cuban Government had not yet agreed to his request. Moreover, it was only after completing his report that he had learned of the constitutional reforms approved by the National Assembly of People's Power in July 1992, some of which had consequences for the exercise of human rights. Those reforms would be considered in the report to be submitted later to the Commission on Human Rights.

2. Despite the lack of cooperation on the part of the Cuban Government, various sources had supplied him with considerable documentation on human rights violations alleged to have occurred in Cuba during 1992. That material, albeit incomplete, had enabled him to analyse the most serious problems, and the information it contained could be considered reliable.

3. Part of the report was devoted to freedom of opinion, expression and association. The cases mentioned therein showed the intransigence of the authorities towards the expression of any opinion considered contrary to the

(Mr. Groth)

official line. That intransigence sometimes gave rise to arrests and convictions handed down during trials lacking the guarantees provided for in the relevant international instruments. In most cases, the consequences were not very serious: a few days' detention, threats, loss of job, and so on.

4. The Government needed to take measures to authorize the exercise of freedom of expression and association in accordance with the provisions of the Universal Declaration of Human Rights, which, with the other human rights instruments developed under United Nations auspices, constituted a set of minimum standards that every society must respect.

5. He was also concerned with the situation prevailing in the prisons, particularly with regard to medical care and nutrition, as well as with the incidents that often took place in solitary confinement cells. The State must take urgent measures to give greater guarantees to prisoners and to make the penitentiary system more transparent.

6. In the conclusions of his report, and in particular in paragraph 58 thereof, he had proposed the adoption of six measures by the Cuban Government. The first two were to improve the situation regarding the exercise of the freedoms of opinion, expression and association. The following measures dealt with the serious deficiencies of the legal and penitentiary systems and proposed a review of sentences imposed for political offences and for trying to leave the country by unlawful means. Lastly, he had recommended the adoption of measures to expedite the procedures for granting permits to leave the country.

7. While not overlooking the urgent need for specific measures as proposed above, he nevertheless wished to point out that any analysis concerning the situation of human rights in Cuba must accept the fact that the Government was, and had been for a very long time, surrounded by an international political climate extremely hostile to it. Economic sanctions served only to prolong an untenable internal situation. They were therefore counterproductive if it was the international community's intention to improve the human rights situation and, at the same time, to create conditions for a peaceful and gradual transition to a genuinely pluralistic society.

8. Mr. BRUNI CELLI (Special Rapporteur on the situation of human rights in Haiti), recalled that, pursuant to resolution 1992/77 of the Commission on Human Rights, he had been requested to prepare a report on the situation of human rights in Haiti based on all relevant information, especially information supplied by the Organization of American States (OAS), and to submit an interim report to the General Assembly and a report to the Commission.

9. Since the coup d'état of 29 September 1991, real power in Haiti rested with the armed forces, which controlled all areas of political life. Despite pressure from the international community, the military had been refusing to

(Mr. Bruni Celli)

participate directly in negotiations which had been initiated with a view to resolving the crisis, and which had resulted in the signature of the Washington protocols in February 1992. Without the participation of the military, all negotiations were doomed to fail.

10. The human rights situation in Haiti had deteriorated appreciably during 1992. The Commission on Human Rights of the United Nations and the Inter-American Commission on Human Rights and other intergovernmental organizations had received a large number of complaints citing murders, disappearances, harassment, arbitrary arrests and torture. The presence of permanent OAS observers - a recent initiative - could be a useful way to prevent and help to limit, human rights violations. That mission should be expanded and permanent observers from the United Nations could participate.

11. In Haiti, the Constitution was not in force and the laws were not being enforced. Life and individual freedom were at the mercy of security forces, the police and "section chiefs".

12. The problem of the boat people should be viewed in the political and economic context of the island. While it was not a simple matter to distinguish between persons fleeing Haiti for economic reasons and those fleeing for political reasons, it was necessary, in order to understand the situation, to take into account certain factors. For example, during the electoral campaign of 1990, grass-roots organizations had been created in the poorer districts of the cities and in the countryside in order to support the candidacy of Jean-Bertrand Aristide. Since the coup d'état, the military considered those organizations to be the main obstacle to the strengthening of their power, and thus their main enemy. Members of those organizations, supporters of President Aristide, had been the victims of senseless repression. They were living not only in extreme poverty but also in permament fear of being arrested, ill-treated, tortured or murdered. That situation explained, at least in part, why boat people were seeking to flee their country.

13. A new form of repression had been added to the list of persecutions: the security forces' extortion of protection money from citizens in the poorer districts of the cities and in the countryside in order to avoid their being arrested or ill-treated, to make the conditions of their detention more bearable, or to obtain their release. In such cases, victims were often forced to sell everything they owned and found themselves completely indigent.

14. The extensive human rights violations in Haiti could be decreased only through a return to a democratic political system. It was necessary not only to do everything possible to enable the various parties to the conflict to reach agreement, but also to assist Haiti in developing institutions conducive to respect for human rights. That in turn required, inter alia, separating the army from the police, securing the independence of the judiciary, revising laws, establishing a precise definition of property (particularly in rural

(Mr. Bruni Celli)

areas), modernizing the prison system and bringing it under the control of the Ministry of Justice, eliminating the "section chiefs" and punishing those responsible for human rights violations.

15. In his opinion, the General Assembly should take the following measures: express its deep concern at the widespread violence in Haiti and condemn that situation; continue to monitor the human rights situation in Haiti and alert world public opinion to the serious human rights situation in that country; inform the de facto Government of Haiti of its obligation to comply with the provisions of legal instruments relating to human rights to which Haiti was a State Party; inform the de facto authorities of Haiti that persistent and systematic violation of human rights represented a breach of the principles enshrined in the Charter of the United Nations, and the Charter of the Organization of American States; express its concern at the fate of the thousands of Haitians who had been or were being sent back to their country after attempting to flee abroad and request that the prevailing norms of humanitarian law should be applied in their case; express particular satisfaction at the cooperation established between the organizations of the United Nations and those of the inter-American system with a view to promoting a solution to the political crisis in Haiti; recognize the vigorous efforts undertaken by the inter-American system to resolve the political crisis in Haiti and request the Secretary-General of the United Nations to continue to offer his cooperation; bear in mind that the settlement of the political crisis of Haiti was only a point of departure for a process of structural change which was needed to ensure respect for human rights in Haiti; maintain its decision to appoint a special rapporteur to continue to monitor the human rights situation in Haiti and to report periodically to the Commission on Human Rights and the United Nations General Assembly; finally, ensure that the United Nations participated actively in the civilian mission of the OAS to monitor the human rights situation in Haiti in coordination with the Centre for Human Rights and the Special Rapporteur.

16. Mr. MAUTNER-MARKHOF (Chief of the Special Procedures Section of the Centre for Human Rights) introduced, on behalf of Mr. Galindo Pohl, Special Representative of the Commission on Human Rights, the interim report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (A/47/617).

17. The report contained a summary of the information which the Special Representative had received during the period from January to September 1992. It relied heavily on the information disseminated by the Iranian media, especially press and radio outlets. The information gathered during the period under study had been transmitted to the Iranian Government in a memorandum dated 25 September 1992. Information received during the following period would be the subject of another memorandum which would be transmitted to the Iranian Government in several weeks, prior to the preparation of the final report which the Special Representative would present to the Commission on Human Rights at its forty-ninth session in February 1993.

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(Mr. Mautner-Markhof)

18. The report of the Special Representative dealt with the main issues with which the Special Representative had been concerned since the beginning of his mandate, in 1984, and contained an account of the events of 5 April 1992. It dealt prominently with such issues as the right to life, freedom of the press, freedom of religion and the right to freedom from torture or cruel, inhuman or degrading treatment or punishment. A brief analysis of the situation with regard to those basic rights was contained in chapter IV of the report, entitled "Considerations". The report also examined the issues of the right to due process of law and the insecure conditions in various cities.

19. The number of executions reported by the Iranian press - 224 from January to July 1992 - had declined as compared with the same period in 1991, but remained excessively high, under the criteria of restrictive application established in the International Convenant on Civil and Political Rights. The death penalty had been imposed on persons accused of having participated in the disturbances which had taken place in several cities, in particular, at Mashhad and Shiraz, in April and May 1992, on the occasion of the destruction, ordered by the municipal authorities, of dwellings built in disregard of official regulations. The death penalty had continued to be imposed during the second half of the year for both common crimes, such as drug trafficking, and political offences.

20. Reliable information concerning the use of torture and ill-treatment had been transmitted to the Special Representative. Mention should be made, in that connection, of the letter from Mr. Amir Entezam, former Vice-Prime Minister of the First Provisional Government of the Islamic Republic of Iran, who had been sentenced after a summary trial, incarcerated in Evin prison and subjected to cruel treatment (appendix II of the report). Mr. Entezam called for the support of the international community in order to have his trial reopened and to be tried in accordance with the provisions of the International Covenant on Civil and Political Rights, which the Iranian Government had pledged to respect.

21. Moreover, according to recent information, members of the Baha'i faith were persecuted. Families had had their property confiscated and, in several cases, had received an order to evacuate their dwellings. The complaints filed by the victims had so far gone unanswered. The followers of the Baha'i faith feared that such acts were the prelude to widespread persecution.

22. In March 1992, the Iranian authorities had suspended the activities of the International Committee of the Red Cross (ICRC) in the Islamic Republic of Iran for an indefinite period, soon after ICRC had begun visiting Iranian prisons, in January. It was to be hoped that the Iranian Government would reconsider that decision and would resume the implementation of the agreement which it had concluded with ICRC, so that ICRC representatives could again visit prisons and talk with prisoners.

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(Mr. Mautner-Markhof)

23. In accordance with the recommendations made by the Special Representative in several of his previous reports, the Centre for Human Rights had organized, in cooperation with the Ministry of Foreign Affairs of the Islamic Republic of Iran, a training course on the preparation of reports to be submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. The course, which had been held in Tehran from 2 to 5 August 1992, had brought together 40 participants from various countries, including officials of several Iranian ministries and officials involved in the administration of justice. The course had provided an opportunity to consider ways of incorporating international human rights norms into national legislation and the international system of protection for human rights.

24. The Special Representative had informed the Iranian Government that he wished to make his fourth visit to the Islamic Republic of Iran from 10 October to 10 November 1992. The Iranian Government's reply had not reached the Special Representative until 24 November. Nevertheless, the Special Representative was willing to postpone his visit until January 1993, so that the information which he would receive and his conclusions could be included in his final report.

25. In the last chapter of his interim report, the Special Representative proposed that the General Assembly should call upon the Government of the Islamic Republic of Iran to continue its cooperation with the Commission on Human Rights through the intermediary of the Special Representative, and thus to respond to the comments and allegations which had been brought to its attention, and to accept a fourth visit to the country by the Special Representative. The Special Representative was also of the view that the Assembly should make an urgent appeal to the Government of the Islamic Republic of Iran to adopt effective measures at all levels of Government in order to avoid any repetition of occurrences such as the ones indicated in the interim report - in particular, to suspend indefinitely the imposition of the death penalty - to redress the harmful consequences of those occurrences for individuals, and to punish those responsible.

26. Lastly, the Special Representative believed that the United Nations should continue to monitor the situation of human rights in the Islamic Republic of Iran and to protect the rights of the Iranian people.

27. Mr. ERMACORA (Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights), introducing, on behalf of Mr. Balanda, Chairman of the Ad Hoc Working Group of Experts on Southern Africa, the Group's preliminary report for the period 1 January to 31 August 1992 (A/47/676), said that the report dealt with violations of human rights in South Africa which had been brought to the Group's attention, particularly cases of torture and ill-treatment of detainees and deaths occurring in detention or solitary confinement.

(Mr. Ermacora)

28. Since its inception in 1967, the Group had never received authorization from the South African Government to visit South Africa in order to examine the situation of human rights. Under those circumstances, the Group had had no alternative in 1992, as in previous years, but to visit the neighbouring countries of Zimbabwe and Botswana, in order to gather evidence from individual witnesses, voluntary organizations and human rights organizations. Overall, the Group had heard 17 witnesses during its visits to southern Africa and two witnesses in Geneva.

29. The Working Group was particularly concerned by the tragic events leading to the deaths of 45 persons at Boipatong on 17 June 1992, and three others several days later during the visit of President de Klerk to the area. In the wake of those events, the African National Congress (ANC) had decided to discontinue negotiations with the South African authorities; it had subsequently agreed to resume them on the condition that all political prisoners would first be released. The situation had improved since then, and the South African Government had released approximately 120 political prisoners on 25 September. Furthermore, the South African authorities had removed 13 high-ranking police officers because of their actions during the Boipatong massacre. Although those officers were not the most notorious, it was hoped that their dismissal would constitute the first phase of a major reform of the police force. The promotion of three non-white officers to a high rank, the highest ever achieved by non-whites, was also an encouraging step.

30. The fact that the South African Government had decided on 20 October to amend the relevant laws in order to allow Black South Africans to serve in the Government was in its favour. On the other hand, however, it was deplorable that it had attempted, through a bill on indemnities, to provide indemnity from prosecution for those who had committed crimes with a political motive. Some saw that as an attempt to provide immunity to officials, police officers and soldiers who had committed illegal acts against opponents of the apartheid system, in the event that a democratic South African Government was established.

31. With regard to the right to life, the situation remained far from satisfactory in spite of some encouraging developments. Less than three months after the Boipatong massacre, the armed forces of Ciskei had fired into a group of ANC supporters protesting the lack of political freedom in the so-called "homelands", killing 29. According to media accounts, the Goldstone Commission established to investigate those tragic incidents had called the actions of the armed forces of Ciskei "morally and legally indefensible" and "deserving of the strongest censure", and had criticized the ANC leadership for having knowingly or negligently exposed demonstrators to violence by the authorities.

32. The South African Government's attitude towards ANC had been contradictory. According to information received by the Working Group, eight months after the start of the Convention for a Democratic South Africa

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(Mr. Ermacora)

(CODESA) talks, the Government had launched a campaign to discredit ANC abroad; it had spent 12 million pounds on the campaign before ending it in August 1991. The Goldstone Commission had had access to secret files showing that a hired killer had been recruited to lead an operation to compromise members of the military wing of ANC. The implication of high-ranking South African officials in that affair was causing great concern, since those same officials were currently participating, on behalf of the South African Government, in the CODESA talks.

33. The question of the so-called "homelands" also remained of great concern. The Group took a very serious view of allegations that the Government was secretly planning to extend the territory of Kwazulu and other "homelands", contrary to the White Paper on Land Reform of 1991 in which the Government had undertaken to abandon apartheid policies of land allocation.

34. There had been no change in the violation of the most fundamental rights: according to statistics furnished by the Human Rights Commission of South Africa, there had been 3,111 deaths and 5,109 injuries due to political violence in 1992; 114 persons had died in police custody and there had been 432 detentions without trial. South Africa was prey to opposing factions both inside and outside the country, and the resulting climate of insecurity and uncertainty served to perpetuate violence, even as apartheid was being dismantled.

Mr. Srivihok (Thailand), Vice-Chairman, took the Chair.

35. Mr. BLACKWELL (United States of America) said that much had changed since the first World Conference on Human Rights held 25 years earlier in Tehran. Ideological divisions had disappeared; tyranny was giving way to democracy and confrontation to negotiation. Unfortunately, despite the efforts of the United Nations, Governments and men and women of good will, the ancient evils of torture, intolerance and repression persisted.

36. He hoped that the Third Committee could reach a consensus on the agenda for the 1993 World Conference on Human Rights. In that regard, his delegation welcomed the efforts of the Chairman of the Third Committee and the Chairman of the Preparatory Committee. For its part, his delegation had decided to set aside its own reservations and to accept the text as presented. It urged other delegations to do likewise so that all countries could work together to achieve the goals of the Conference.

37. The Conference should provide an opportunity for an exchange of ideas, discussion of strategies and celebration of the great human rights achievement of the twentieth century, namely, the acknowledgement of the universality of human rights. The Universal Declaration of Human Rights was indeed "a common standard of achievement for all peoples and all nations".

(Mr. Blackwell, United States)

38. His delegation agreed with the Under-Secretary-General for Human Rights that the Conference should devote its attention to protection, promotion and prevention. Its primary goal should be the implementation of existing standards. The main task was to make respect for human rights a reality.

39. Specifically, his delegation would like to see an expansion of United Nations human rights advisory services, an improvement of investigation and monitoring mechanisms, an enhancement of the system of rapporteurs, the confidential communications mechanism, known as procedure 1503, and coordination between the Commission on Human Rights and treaty monitoring bodies. In that regard, it welcomed the work of the meeting of persons chairing the human rights treaty bodies and looked forward to reviewing their report and recommendations on the World Conference.

40. The Conference should also consider improved methods for holding to account those Governments that persistently refused to respect their citizens' human rights.

41. It was also important to improve the efficiency of the Centre for Human Rights at Geneva and, to that end, to enhance its personnel and financial resources, which had remained static even though the Centre's responsibilities had multiplied.

42. The Conference should focus on several other important issues, such as the goal of eliminating torture by the year 2000, addressing the spread of ethnic, racial and religious intolerance, integrating women's issues in existing human rights mechanisms and highlighting the linkages among human rights, democracy and development.

43. His delegation recommended that the World Conference should focus particularly on one of the most egregious human rights abuses, torture. Although many countries had ratified the Convention against Torture, non-governmental organizations estimated that that terrible practice persisted in over 100 countries.

44. The Conference should also devote attention to the grave and urgent problem, observed in nations such as Yugoslavia and the Sudan, of ethnic, racial and religious intolerance, which threatened millions of people around the world.

45. His Government believed that women's issues should be considered in the context of the overall debate on human rights violations; considering those issues under a separate agenda item could actually marginalize them. Existing human rights instruments implicitly and explicitly protected women, on paper at least. The goal should be to improve those protections for women as well as for men.

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(Mr. Blackwell, United States)

46. While the United States might have a different perspective from many on the question of economic, social and cultural "rights", it hoped to engage in a positive and productive dialogue on the issue in preparation for the World Conference. Human rights and democracy were important elements in the economic development of any country. The United States was confident that the World Conference on Human Rights had the potential to lay the groundwork for a better, freer future for all peoples of the world.

47. Mr. KHOUINI (Tunisia) said that with the advance of democracy, pluralism and freedom, the question of human rights had come under renewed scrutiny. He commended the tremendous work done by the United Nations in codifying the principles and ideals set forth in the Universal Declaration and the Charter and in establishing mechanisms for the monitoring and protection of human rights. Those efforts had produced tangible results, as evidenced by the many international covenants and conventions on the subject, most of which had been ratified by Tunisia.

48. Tunisia's adherence to the principles of the Universal Declaration and of the Charter of the United Nations was enshrined in the preamble to its Constitution. Moreover, since 7 November 1987, Tunisia had taken steps to guarantee the exercise of and effective respect for human rights. All the country's political parties and social organizations had signed a national covenant whereby Tunisian women and men, regardless of their views, had reaffirmed their full adherence to the consolidation of democracy and the rule of law. Among other things, that covenant guaranteed individual security, freedom and dignity, freedom of opinion and expression, freedom of the press and freedom of religion. It called for tolerance, outlawed violence in all its forms and established equality among citizens, male and female, without discrimination. The 1988 covenant reflected the situation actually prevailing in Tunisia.

49. Upon his accession to power, Mr. Ben Ali, the President of Tunisia, had undertaken to strengthen fundamental freedoms. The measures taken over the past five years were geared towards that end and included the release of political prisoners (19,904 of those prisoners had been granted amnesty and, of that number, 18,888 had had their civil rights restored since July 1987), promulgation of an amnesty act in July 1989, promulgation of the act establishing a multi-party system, abolition of special courts, regulation of police custody and abolition of forced labour.

50. In addition, Tunisia was working to disseminate widely a culture of human rights. A chair in human rights had been created at the university. A higher committee for human rights had been established and was responsible for giving its opinion on ways of improving human rights legislation; its powers would be expanded to include the inspection of detention centres and prisons.

51. At the international level, Tunisia was cooperating with non-governmental organizations. Amnesty International, Greenpeace, Al-Taler and the Arab

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(Mr. Khouini, Tunisia)

Institute for Human Rights were represented in Tunisia, and the Government had recently granted authorization to the African Committee for Development and Human Rights.

52. Tunisia had always considered human rights to be an indivisible whole. The Government was equally concerned to guarantee the right to employment, health, education, housing and social security as it was to guarantee freedom of opinion, expression and information, equality among individuals and non-discrimination. Respect for civil and political rights and satisfaction of the economic and social needs of citizens should go hand in hand. Democracy and development were inseparable.

53. None the less, achieving those objectives was not an easy task for the developing countries which, despite their economic difficulties, had embarked on the road to democracy and respect for human rights. That was why international solidarity was essential for creating a climate conducive to the enhancement of fundamental freedoms. At the African regional preparatory meeting for the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the President of Tunisia had urged the developed countries and international institutions to increase their assistance to the third world, especially in solving the debt problem which was hindering development and hence the process of democratization and promotion of human rights.

54. Tunisia was appalled at the persistence of abuses and violations against entire peoples who were being denied the most basic rights. The international community should mobilize as a matter of urgency to put a stop to all attacks on those rights and on human dignity. The African regional preparatory meeting, in which over 400 representatives of 41 African States and nearly 180 non-governmental organizations had taken part, had culminated in the adoption of the "Tunis Declaration". In that Declaration, among the obstacles to the attainment of human rights, the African States had drawn attention to extremism and religious fanaticism, calling on Governments, institutions, non-governmental organizations and individuals to do their utmost to confront that danger. Movements which systematically practised violence and intolerance had also been denounced at the OAU Summit Conference held at Dakar and at the recent Summit Conference of the non-aligned countries held at Jakarta.

55. The Tunis Declaration also emphasized the importance of effective national development policies, more equitable economic relations and a favourable economic environment for making progress in the area of human rights. In that connection, Africa hoped to benefit from international solidarity, an adequate increase in development assistance and an appropriate settlement of the debt problem. It also trusted that the Tunis Declaration and the resolutions of the forthcoming regional meetings would be taken seriously into consideration at the Vienna Conference, which would be an auspicious occasion for promoting human rights in the new world context.

Mr. Krenkel (Austria) resumed the Chair.

56. Mr. TÜRK (Slovenia) said that the current era was one of change, after decades during which world affairs had been conducted in a spirit of preservation of the political status quo. The seeds of change had been embedded, however, in the references to human rights in the Charter of the United Nations and in the Helsinki Final Act of the Conference on Security and Cooperation in Europe. It was the human rights movement that had been at the origin of democratic change and, hence, of the dissolution of obsolete sovereign States, such as the Soviet Union and Yugoslavia, in Europe. Human rights had thus been the major vehicle of change in the world in recent years. That did not mean that they were a panacea for all social evils, but simply that democracy and human rights were faithful allies and that political democracy provided the best framework for the realization of those rights.

57. In its own recent history, Slovenia had experienced the vital importance of democratic change, of which it was a determined advocate, and it was from that perspective that it viewed the current debate on human rights questions in the Third Committee.

58. The forthcoming World Conference would be an opportunity for overall consideration of those questions and for identifying the future course of United Nations action in that field. In that connection, it was high time that agreement was reached on the Conference agenda. His delegation hoped that the remaining differences of opinion on the matter would soon be overcome, and that the resolution on the agenda, of which Slovenia had been one of the first sponsors, would be adopted unanimously by the General Assembly.

59. The debate on human rights was taking place at a time of grave human rights problems. The humanitarian disasters in Somalia and Bosnia and Herzegovina had put the international community to a severe test. So far, the work done by United Nations agencies had not been very effective, and it had not been supported by a determined peacemaking effort. It was essential that the humanitarian missions in Bosnia and Herzegovina and in Somalia be given armed protection.

60. At a time when the devastating effects of poverty were being felt in many parts of the world, it was essential to remember that the development of material and spiritual well-being was necessary for the full realization of the human rights of each individual. That idea, which was set forth in the 1986 Declaration on the Right to Development, should be emphasized.

61. Among the phenomena that characterized the current human rights situation world wide, attention must be paid to the various forms of racism and racial discrimination, xenophobia and ethnic and religious intolerance. It would be the task of the World Conference on Human Rights to define the most efficient methods, including new methods, of combating those evils.

(Mr. Türk, Slovenia)

62. The protection of minorities came up naturally in that context. The General Assembly had before it at its current session the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, the culmination of a process that had lasted more than 40 years. As early as 1948, the General Assembly had adopted a resolution entitled "The fate of minorities" (resolution 217 C (III)). Slovenia hoped that the declaration on the rights of minorities would be adopted unanimously and would mark the beginning of a new era for them. To ensure the implementation of the provisions of the declaration, particularly those concerning the right of minorities to participate in matters affecting them and to receive instruction in their mother tongue, a great deal of expertise would be required. The United Nations, and the Centre for Human Rights at Geneva in particular, should start preparing for that task.

63. Turning to the specific situations of human rights violations in various countries, he wished to first refer to the situation in Bosnia and Herzegovina, where the abhorrent practice of so-called "ethnic cleansing" was in full operation. As the Special Rapporteur had emphasized, that practice was not a consequence of the war but rather its goal, and the war was one of territorial conquest. Given the nature of the war, vigorous international action must be taken to halt the extermination of non-Serbs in that country, which was a Member State of the United Nations, and to stop the aggression against it. The creation of humanitarian corridors was also an absolute priority. The same was true of Somalia, where the real nature of the military conflict needed to be fully understood.

64. In the Sudan, the reports of the Special Rapporteurs drew attention to the existence of serious violations of fundamental human rights which had led to a flow of refugees. Immediate action was essential to remedy that situation.

65. In El Salvador, the human rights situation must continue to be monitored as part of the expanded mandate of the peace-keeping operation.

66. Similar monitoring was clearly necessary in Iraq, where the human rights situation remained problematic.

67. In Myanmar, ill-treatment of prisoners and extrajudicial killings remained a source of serious concern.

68. With regard to Iran, he said that it was essential for the Government to cooperate with the Special Rapporteur charged with investigating the human rights situation in the country.

69. The member countries of the Conference on Security and Cooperation in Europe (CSCE) were not without their own problems in the area of human rights. In Croatia, in particular, United Nations forces had still not been able to disband Serbian irregular units and guarantee the repatriation of

(Mr. Türk, Slovenia)

refugees. In Upper Karabakh, arbitrary executions of civilians and other human rights violations had been reported. The United Nations and CSCE should coordinate their response to those situations.

70. One of the most dangerous human rights situations, however, was the one that existed in the Federal Republic of Yugoslavia (Serbia and Montenegro) where the non-Serbian populations of Vojvodina, Sandjak and Kosovo were the victims of brutal repression. There again, the international community, namely CSCE and the United Nations, should take preventive measures to ensure that the situation did not escalate into armed conflict. Generally speaking, it was important to identify those regions in the former Yugoslavia in which human rights violations occurred, and to agree on the methods that should be used to combat them.

71. In a world characterized by rapid political and social changes, new threats to human rights were emerging and it was up to the international community as a whole to ensure that the United Nations was equipped to deal with them.

72. Mr. JARAMILLO (Colombia) said that the question of human rights was of vital significance in Colombia, a country which had been torn by violence for many years and in which many lives had been sacrificed in defence of ideals that had been discredited by international political jargon.

73. Colombia, a democratic legitimate nation State which had ratified almost all the human rights instruments of the United Nations and the Organization of American States, now had a new political Constitution with eight chapters devoted to the promotion and defence of the rights of citizens. The determination of the Colombian Government to protect civil and political rights and to promote participatory democracy had been recognized by the Human Rights Committee during its consideration, earlier in 1992, of the third periodic report of Colombia. The determination of the Colombian Government was all the more noteworthy as the country was currently living through a very difficult period, characterized by an alarming resurgence of terrorist activity on the part of organizations linked to guerrilla groups and drug traffickers. More than 50 people, including members of the police and the armed forces, had been killed and many terrorist acts had been committed in different cities. The willingness of the Government to enter into dialogue had not been reciprocated by groups which, having abandoned their revolutionary ideals, had become common law criminals. Faced with that situation, and with the support of all sectors of the country, the Government had decreed a state of emergency which was being enforced with full respect for human rights and under the supervision of State institutions.

74. It was for those reasons that Colombia had high expectations of the World Conference on Human Rights to be held in 1993. During the preparatory meetings for the Conference, Colombia intended to reaffirm its position on the indivisibility of human rights, that is, economic, social and cultural rights

(Mr. Jaramillo, Colombia)

on one hand, and civil and political rights, on the other. Colombia noted with concern that there was a tendency to promote the latter to the detriment of the former. To do so was to ignore the fact that all countries shared responsibility for the observance of human rights. For example, the industrialized countries conditioned their international assistance on the existence of "progress towards democracy", which was totally unacceptable, failed to acknowledge the right to development and, worse still, set up barriers to trade in the commodities produced by developing countries. In his report to the Subcommission on Prevention of Discrimination and Protection of Minorities, the representative of the International Monetary Fund had underscored the importance of official development assistance, in other words, international cooperation.

75. The World Conference on Human Rights should examine the manifestations of racism, racial discrimination, xenophobia and apartheid in all regions of the world, without exception. It should consider the causes of the massacres perpetrated day after day in regions such as the former Yugoslavia and Somalia, and it should seriously consider such questions as the right to development. An in-depth review of human rights instruments should be undertaken in order to improve the effectiveness of the system in the human rights field. There was no need to create new bodies or to increase the number of special meetings which had financial implications and yielded very limited results in terms of the actual protection of human rights. The General Assembly and the Economic and Social Council were the principal organs responsible for ensuring the protection and promotion of those rights. Special sessions, such as that held by the Human Rights Commission in 1992, were regrettable initiatives which reflected the interests of the industrialized countries and were an example of the arbitrary conduct of those countries. The Commission had not held a special session to examine the massive and persistent violations of human rights in the occupied Arab territories but had convened one to examine the situation in the former Yugoslavia and to appoint a Special Rapporteur at the request of the United States. As far as Colombia was concerned, all violations of human rights should be investigated in accordance with the customary practice. His delegation hoped that all of those issues would be dealt with during the World Conference and the regional preparatory meetings. Colombia certainly intended to contribute to the success of the preparatory meeting for the World Conference for the Latin America and Caribbean region, which was to be held in Costa Rica in 1993. That meeting would provide an opportunity to underline the importance of international and inter-American activities in the field of human rights and to strengthen coordination between the inter-American system and the mechanisms of the United Nations.

76. Mr. HJELDE (Norway) said that, on the threshold of a new millennium, countries should renew their commitment to the principles embodied in the Charter and in the Universal Declaration of Human Rights. The World Conference to be held in 1993 would provide the opportunity to do so. Even now, the General Assembly could contribute to the objectives of the Conference

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(Mr. Hjelde, Norway)

by adopting the draft declaration on the rights of persons belonging to national or ethnic, religious or linguistic minorities as well as the draft Declaration on the Protection of All Persons from Enforced Disappearance. Moreover, the launching on 10 December of the International Year for the World's Indigenous People on the theme of "a new partnership" and the award of the Nobel Peace Prize, on the same day, to Mrs. Rigoberta Menchu should be the point of departure for lasting initiatives aimed at satisfying the legitimate aspirations of the more than 300 million indigenous people throughout the world. Another subject of great concern to the Government of Norway was that of internal refugees. Norway intended to vigorously promote activities on behalf of that group of people in the competent international forums.

77. The international community was revolted and horrified by the atrocities committed against civilians in the territory of the former Yugoslavia, and particularly by the intolerable practice known as "ethnic cleansing". The authors of those crimes should be held individually accountable. That was why the United Nations should speed up the consideration under way in the Sixth Committee of the draft Statute of an international criminal court. Consideration might also be given to the possibility of establishing special regional courts under the auspices of the United Nations or of the Conference on Security and Cooperation in Europe (CSCE). The Norwegian Government supported the proposal along those lines which had recently been made to the CSCE.

78. Norway was worried about the situation in a number of countries, in particular in the new independent States where ethnic conflicts were emerging. That was the case, for example, in Georgia, Tajikistan and Nagorny-Karabakh. In Iraq as well Kurds and Shiite Arabs were still subject to abuses of their human rights. From Iran there were still reports of a large number of executions and of discrimination on the grounds of religious belief targeted in particular at the Baha'i community, not to mention the death sentence imposed on Salman Rushdie, a foreign national, which was illegal and must be repudiated.

79. In Africa democracy was making progress in a number of countries, in particular Malawi and Kenya, although an appeal must be made to Kenya for justice for the dissidents who were still being detained. In contrast, the situation was particularly worrying in Somalia, where Norway was supporting the United Nations efforts, including the recent appointment of Mr. Kittani as Special Representative of the Secretary-General, and in Sudan where the civil war was still going on and the human rights situation continued to deteriorate. In South Africa the Government must do everything possible to put an end to the violence, and the other parties must also assume their responsibilities. Norway commended the work of the commission of inquiry headed by Justice Goldstone. It urged the United Nations to intensify its efforts to speed up the negotiating process in South Africa.

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(Mr. Hjelde, Norway)

80. The freezing of the construction of Israeli settlements in the occupied territories was a positive step. However, the Norwegian Government reiterated its call to Israel to respect the provisions of the Geneva Convention in the occupied territories.

81. Despite the recent removal of some restraints, the repression continued in Myanmar, especially with regard to ethnic minorities and dissidents. The Norwegian Government appealed to the Government of Myanmar to release Aung San Suu Kyi and respect the right of the people to choose its own Government.

82. The situation in Sri Lanka was complex and worrying. The only solution seemed to lie in a negotiated settlement of the conflict, something for which all the parties must work.

83. The Norwegian Government appealed to the Government of China to release all political prisoners and respect the ethnic, cultural and religious identity of the Tibetan people.

84. The Norwegian Government commended the efforts of the United Nations in Central America, where a negotiating process had begun both in El Salvador, between the Government and FMLN, and in Guatemala. It was to be hoped that peace would result and that human rights would be safeguarded. That was far from being the case in Guatemala, where the Government must use every possible means of ensuring that its declared intention of safeguarding human rights was carried out. In Cuba, Peru and Haiti, three countries untouched by the general trend towards democracy, the human rights situation was deplorable. The Norwegian Government appealed to the Cuban Government to respect the rights and freedoms of the people of Cuba, to the Government of Peru to restore representative democracy, and to the Haitian authorities to re-establish the legitimate civilian Government.

85. Lastly, his delegation drew special attention to the plight of street children throughout the world and called upon Governments to take immediate action to put an end to atrocities committed against them.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/47/L.39, L.40, L.41 and L.44)

Draft resolution A/C.3/47/L.39

86. Mr. FISENKO (Belarus) said that Croatia had become a sponsor of the draft resolution.

87. Draft resolution A/C.3/47/L.39 was adopted without a vote.

Draft resolution A/C.3/47/L.40

88. The CHAIRMAN said that Costa Rica, Sri Lanka, Kenya, Malawi, Nigeria and Swaziland had become sponsors of the draft resolution.

89. Draft resolution A/C.3/47/L.40 was adopted without a vote.

Draft resolution A/C.3/47/L.41

90. The CHAIRMAN said that Argentina, Costa Rica, Croatia, Nicaragua, Rwanda, India and Sweden had become sponsors of the draft resolution.

91. Draft resolution A/C.3/47/L.41 was adopted without a vote.

92. Mr. AIZAWA (Japan) said that his country had joined in the consensus on the draft resolution but maintained the reservations spelled out by the Japanese delegation in 1985 on the occasion of the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Draft resolution A/C.3/47/L.44

93. The CHAIRMAN said that, in addition to the countries mentioned in document A/C.3/47/L.44, Argentina, Costa Rica, El Salvador, Nicaragua, Poland, Spain, Uruguay and Belarus had become sponsors of the draft resolution.

94. Draft resolution A/C.3/47/L.44 was adopted without a vote.

The meeting rose at 1.05 p.m.

UNITED NATIONS
General Assembly
FORTY-SEVENTH SESSION
Official Records

THIRD COMMITTEE
50th meeting
held on
Wednesday, 25 November 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 50th MEETING

Chairman:	Mr. DEKANY (Vice-Chairman)	(Hungary)
later:	Mr. JALLOW (Vice-Chairman)	(Gambia)
later:	Mr. DEKANY (Vice-Chairman)	(Hungary)

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(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued)*

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* Items considered together.

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8 December 1992

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In the absence of Mr. Krenkel (Austria), Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501-504, 552, 626, 630, 668, 701 and 702)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, 617, 621, 625, A/47/635-S/24766, A/47/651, A/47/656, A/47/666-S/24809 and A/47/676; S/24386 and Add.1; A/C.3/47/2)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/47/247; A/C.3/47/9)

1. Mr. FISENKO (Belarus) said that, as stated in the Secretary-General's report (A/47/502), cooperation between the Centre for Human Rights and the Council of Europe for assistance to the countries of Central and Eastern Europe had been strengthened. That had resulted in the organization of useful conferences and seminars, in particular on issues of crime prevention, incarceration and preventive detention and questions of individual rights. The Council of Europe and the Centre for Human Rights could play an important role in assisting his country to create a rule-of-law State and also provide expertise in legal and judicial matters.

2. His delegation supported the measures to strengthen the Centre for Human Rights outlined in the Secretary-General's report (A/47/702). It also supported the proposal to provide his country with technical advisory services in the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

3. The creation of national institutions for the promotion and protection of human rights, discussed in document A/47/701, was an effective way to ensure the protection of human rights. The principles relating to the status of national institutions were of particular interest to his country, which was in the process of setting up such a system. National institutions should be given the possibility to participate in the preparation and holding of the 1993 World Conference on Human Rights.

4. With regard to public information activities in the field of human rights, including the World Public Information Campaign on Human Rights, discussed in the Secretary-General's report (A/47/503), his delegation considered that the Campaign should be permanent and conducted on a large

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(Mr. Fisenko, Belarus)

scale, and should receive the support of all Member States which shared the ideals and principles of the Universal Declaration of Human Rights and the International Covenants on Human Rights. United Nations documents concerning human rights should be distributed in all regions of the world, including Eastern European countries.

5. The growing demand for United Nations electoral assistance, discussed in the Secretary-General's report (A/47/668), bore witness to the important changes taking place throughout the world, where States were striving to set up democratic institutions and mechanisms and encouraging citizens to take part in the political process. By providing assistance in that area, the United Nations could strengthen trust between parties to a dispute and thus promote a peaceful settlement.

6. The forthcoming World Conference on Human Rights would provide an opportunity to assess achievements since 1948. His delegation was pleased with the work of the Preparatory Committee, described in its report (A/47/24 and Add.1), and hoped that the Conference agenda and related issues would soon be decided upon.

7. In working out the economic reforms needed for creating a healthy market economy, Belarus had devoted particular attention to ensuring the right of each individual to own private property. That right was essential in the promotion of other basic human rights and would contribute to the country's overall economic and social development.

8. His delegation commended the work of the Commission on Human Rights in preparing the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities and the draft declaration on the protection of all persons from enforced or involuntary disappearances and hoped that the drafts would be adopted at the current session. His delegation also supported the proclamation of the International Year for the World's Indigenous People in 1993.

9. Mr. U AYE LWIN (Myanmar) said that the 1993 World Conference on Human Rights would be a test of the willingness of the international community to address the question of human rights in all its dimensions - civil, political, economic, social and cultural. It would provide an opportunity to examine ways to improve the implementation of universally accepted human rights standards and to examine the link between development and human rights. Principles of human rights should be applied without discrimination. The cause of human rights would not be served if countries chose to regard their interpretations as universal truth and tried to impose their views on others. Nor could issues of human rights and electoral processes be used as a means to interfere in the internal affairs of other States.

10. His country had taken steps to becoming a party to international human rights instruments. In 1991 it had become a party to the Convention on the

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(Mr. U Aye Lwin, Myanmar)

Rights of the Child and in 1992 had acceded to the four Geneva Conventions. His Government had fully cooperated with United Nations human rights bodies and had provided the Commission on Human Rights with comprehensive and factual replies to its inquiries. It had also welcomed the visits of independent experts and was soon to receive Mr. Yokota, Special Rapporteur under Commission on Human Rights resolution 1992/58. Although his delegation had dissociated itself from that resolution, it had decided to receive the Special Rapporteur in deference to the United Nations. His delegation had provided the Special Rapporteur with the information he had requested, and that information had been reproduced as an appendix to the Special Rapporteur's report (A/47/651).

11. His delegation appreciated the balanced approach with which the Special Rapporteur had introduced his report, and was confident that he would discharge his responsibilities with impartiality. His delegation was disappointed in the representative of the United Kingdom, who had spoken on behalf of the European Community, and the representative of the United States, both of whom had taken a thoroughly negative stand and, ignoring the significant changes taking place in his country, had chosen to make subjective statements which were at variance with the true situation.

12. In spite of his country's willingness to cooperate with the United Nations human rights bodies, it continued to be subjected to unjust and unwarranted criticism. His Government had been taking steps towards the establishment of a strong and stable democratic State. Representatives of the Government had met during the year with the elected representatives of the political parties to discuss modalities for the holding of a national convention which would lay down the guidelines for drafting a new constitution.

13. The Government had also released hundreds of prisoners who no longer posed a threat to national security. The situation in the entire country had come a long way from the chaotic situation of 1988. Law and order had been restored, martial law had been revoked country-wide and all universities and institutes of higher learning had reopened.

14. The issue of transborder movement on the Myanmar-Bangladesh border (A/47/651, annex, para. 59), was being addressed by the two countries in a spirit of friendship and cooperation. As a result of the agreement reached, voluntary repatriation had commenced. All returnees had been integrated into their communities in dignity and in safety.

15. At a time when steps were being taken to establish a multiparty democratic State, the fundamental principles of national sovereignty and national solidarity should be upheld. Democratization could best be achieved through deliberation and consensus. The process towards democracy, particularly in a country with a multitude of national races, was a delicate matter that could best be accomplished by the people of that country themselves.

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16. Mr. Jallow (Gambia), Vice-Chairman, took the Chair.

17. Mr. SULIMAN (Sudan), referring to the 1993 World Conference on Human Rights, said his delegation hoped that a constructive dialogue and consensus would characterize the preparations for the Conference, and it appreciated the efforts of the Commission on Human Rights and the Centre for Human Rights in that process.

18. His Government reiterated its full respect for and compliance with the international human rights instruments to which it was party. Since the National Salvation Revolution of June 1989, its institutions had been reformed to allow for wider participation in political life and more transparent administration of justice. Bringing peace to the southern part of the country was a priority, and the Government firmly believed that that could only be achieved through negotiation.

19. The Government also had a duty to protect the civilians in the south from the atrocities of the rebel movement. However, allegations regarding the situation of human rights in Sudan had been levelled against it by some Member States. His delegation had reiterated that human rights were fundamental to its culture and basic to its policy, and had cooperated fully with the Commission on Human Rights. At its forty-eighth session, in a confidential resolution, the Commission had decided to appoint an Independent Expert to investigate alleged human rights violations in the Sudan, who would report to the Commission at its forty-ninth session. The Independent Expert was currently visiting the country and was receiving full cooperation from the Government. In addition, the Special Representative of the Secretary-General to study the problem of internally displaced persons had visited the Sudan in early November.

20. His Government believed that its cooperation with the Commission on Human Rights had amply demonstrated its respect for an impartial process, which must be allowed to take its course. Nevertheless, the question of internally displaced citizens continued to receive excessive attention. Those people had been forced to move from the south to the north as a result of civil strife. They had settled on unsafe and undesirable sites around the capital and other large towns, and the Government had made efforts to identify better sites for two major temporary settlements. The plan had been put before relevant United Nations agencies and donor representatives, but had met with no response. Thus, the Government had been compelled to carry out the plan with its own meagre resources.

21. Allegations had been made of obstruction of relief activities to victims of the war in the south. The acknowledged difficulties in providing humanitarian asssistance in the south were attributable to the rebel movement, not the Government, however. The Government had recently concluded a cooperation agreement with the United Nations designed to improve the effectiveness and scope of relief operations. The Government had also been accused of exporting food while its population was starving in the south. It

(Mr. Suliman, Sudan)

must be pointed out, however, that food production in the Sudan depended mainly on rain; therefore, the food security situation experienced dramatic swings. The current harvest was quite good, and sorghum production would cover local consumption and relief needs. Since storage capacity was limited, the surplus would be released for export in order to stabilize sorghum prices above production cost, to encourage farmers to grow sorghum the next season, and to earn the hard currency needed for fuel and fertilizers. The decision to export sorghum was not irresponsible, but necessary to the country's food security.

22. With regard to allegations about the safety of expatriate relief workers, such workers had never been harmed in any area under government control. The tragic murder of a number of relief workers had taken place in zones held by the rebels, and at their hands, as the United Nations investigation had concluded. Those delegations which raised the issue of safety maintained regular contacts with rebel factions, and they should use those contacts to ensure the safety of relief workers. Charges of summary execution in the case of two local employees of international agencies also were unfounded. They had been tried according to Sudanese law and found guilty. Charges of racial discrimination could only be based on a gross misunderstanding. The Sudan, a microcosm of Africa in its ethnic, religious and cultural diversity, had always practised tolerance and coexistence.

23. Any attempt to force the General Assembly to take action on the situation in the Sudan at the current session was unfair and improper. Action on the draft resolution on that issue which had been circulated informally should be deferred until the Commission on Human Rights could consider the matter in the light of the findings of the Independent Expert and the Special Representative.

24. Mr. YAHYA (Malaysia) said that, over the past decade, differences between the West and developing countries on issues such as human rights had sharpened. The West had increasingly stressed civil and political rights, while the developing countries saw social and economic rights - the right to development, in other words - as more important. Opinions diverged on how to achieve acceptable standards for human rights, who should set such standards, and whether individual rights took precedence over majority rights. The West seemed to ignore the linkage between human rights and social and economic development, insisting that economic, social, cultural, civil and political rights were indivisible and must be implemented simultaneously. Many of the countries upholding the cause of human rights had faced obstacles in reaching their current stage, including a history of past human rights abuses. Every country had a different historical, social, cultural and economic background: any attempt at dictating a single set of values must be avoided.

25. Referring to the forthcoming World Conference on Human Rights he noted that the previous one had been held in Tehran in 1968, since the political atmosphere had undergone tremendous change. Therefore, it was appropriate to review all aspects of human rights and for the international community to

(Mr. Yahya, Malaysia)

rededicate itself to human rights principles. Malaysia believed that a country should be free to decide what was best for itself based on its specific needs. Yet it did not condone the excesses of non-democratic governments, which were out of line with the rest of the world on the question of human rights.

26. The Conference would provide an opportunity to reaffirm the commitment made at the Tehran Conference on the linkage between human rights and development. It would be a mistake to use the 1993 Conference to exert pressure on developing countries to accept Western standards of human rights or to set targets for their implementation. Too many developing countries were still struggling with poverty and the need for political stability in order to begin implementing development priorities. His delegation agreed with the Secretary-General (A/47/1, para. 100) that human rights were meaningless in an environment of poverty and deprivation.

27. Throughout its experience of nation-building, Malaysia had always abided by the principles of democracy and human rights. Many of its difficulties had stemmed from the fact that it was a heterogeneous society prone to discord. Tragic events in the past had taught a painful lesson on the dangers of unfettered political freedom. His country continued to struggle to maintain its fragile national unity and social cohesion. Malaysia believed in democracy as essential to its very survival. While its most pressing problems remained in the social and economic spheres, they manifested themselves, however, in the civil and political spheres. After careful examination of all the variables, the Government had concluded that socio-economic problems would take priority. Its new economic policy had been in effect for some 20 years, and tremendous economic and social progress had been achieved along with political stability and the preservation of democracy.

28. The forthcoming Conference should examine closely the Secretary-General's suggestion (A/47/1, para. 101) that the international community should explore ways and means of empowering him and expert human rights bodies to bring massive human rights violations to the attention of the Security Council, together with recommendations for action. The Secretary-General had also said (ibid., para. 102) that impartial intervention based on widely accepted standards could dissipate misunderstandings and help build a framework for living together. However, given the current undemocratic practices of the Security Council and the fact that acceptable standards of human rights had yet to be determined, Malaysia believed it unwise to let the Council be judge and jury in such matters. His delegation also had some apprehension about the preparatory process for the Conference. It firmly believed that the agenda should be decided by consensus, not by a vote, and called on the Chairman to continue his efforts to build such a consensus.

29. Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

30. Mr. SARDENBERG (Brazil) said that since its inception, the United Nations had made an outstanding contribution in the field of human rights and fundamental freedoms. Human rights principles and standards were widely accepted throughout the international community. Their universality, however, must find expression through universal adherence to human rights treaties.

31. The 1993 World Conference on Human Rights would provide an opportunity to assess human rights activities and to take steps to make them more effective. Every country must make its voice heard so that future actions would be based on a consensus expressing a genuinely universal commitment to human rights. The preparatory process had not moved forward as quickly as desired. Indeed, the preparation of documents to be examined and adopted by the Conference had not yet begun. It was essential for the provisional agenda to be adopted during the current session of the General Assembly so that the next preparatory meeting could be devoted to the question of documentation. Draft resolution A/C.3/47/L.18 offered a good compromise text for the agenda, and his delegation favoured its adoption.

32. The end of the cold war had made more obvious the vital link between human rights and development, it being understood that considerations related to development issues could never exempt Governments from their obligation to respect the rights of individuals. Recent events had demonstrated that the relationship between development and human rights was not uni-directional and that economic development, even at a high level, did not necessarily guarantee respect for human rights. Thus, developed and developing countries alike must strive to ensure those rights.

33. Over the long term, respect for human rights could only be ensured by strengthening democracy and the rule of law world wide, a process which was in turn linked to economic and social development. That fact had two important implications. First, every effort must be made at the international level to promote economic growth and to ensure the right to development and the entire process must be grounded in democracy and political freedom. Secondly, development concerns must be incorporated into human rights initiatives and the most constructive way of doing so was to help countries build or strengthen their national institutions concerned with the protection of human rights. In that regard, Commission on Human Rights resolution 1992/51, which his delegation had co-sponsored, stressed the value of establishing mechanisms by which the international community could provide technical and financial assistance to projects related to human rights in areas such as law enforcement and the administration of justice. His delegation hoped that the approach envisaged by his delegation would be given full consideration at the 1993 Conference.

34. Brazil was party to all the major international human rights instruments, thereby giving expression to its commitment to ensuring the highest standards of rights and freedoms for its citizens. His Government attached great importance to the promotion of human rights and the rule of law, based on a policy of openness. It valued its ongoing dialogue with non-governmental organizations, which were making important contributions in the area of human

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rights. The full exercise of the freedoms of expression and information in his country had made the population fully aware of and responsive to any violations of human rights.

35. In recent years, his Government had made major advances in the important area of the rights of the child. It was committed to protecting children and improving their lot and to punishing individuals who committed acts of violence against them. Particular attention was being given to the situation of homeless children, a problem which was intensified by Brazil's overall economic and social woes. While appreciating advice on that matter offered by the international community, his Government was also in need of more concrete forms of assistance.

36. His delegation hoped that the International Year for the World's Indigenous People would draw greater attention to the problems of indigenous peoples. Projects undertaken in the context of the Year should be action-oriented and should reflect the wishes and cultural values of the indigenous communities. Brazil accorded high priority to the issue, and was undertaking a process of land demarcation in an effort to ensure the protection of its own indigenous peoples.

37. Mr. LONGCHAMP (Haiti) said that his country attached great importance to human rights and, accordingly, was party to a large number of human rights instruments. In February 1991, the Haitian people had for the first time in their history democratically elected their President, who had pledged to ensure political pluralism, national unity and fundamental freedoms. In September 1991, a bloody *coup d'état*, carried out by a minority seeking to protect its own interests, had ended the country's progress towards democracy and had returned it to a state of arbitrary and oppressive authority.

38. The coup had suppressed any semblance of the rule of law. The human rights situation was alarming: fundamental rights were violated daily, with countless detentions, disappearances, arrests and executions, extortion by the security forces and mistreatment of prisoners. The freedoms of assembly, speech and movement had been drastically curbed; the press was controlled by the military. A general climate of insecurity prevailed. Economic and social conditions continued to deteriorate. In response, thousands of Haitians had fled either to other regions of the country or abroad, placing a burden on neighbouring countries. Further information on the situation in Haiti was contained in the report prepared by the Special Rapporteur appointed by the Commission on Human Rights (A/47/621).

39. Aware of the Haitian people's desire for freedom and justice, the constitutional Government had made a firm commitment to restore the rule of law. In that connection, he wished to stress how important it was for human rights to be taught in educational institutions world wide. It was in that spirit that his Government had organized, under the auspices of the Centre for Human Rights and the Inter-American Commission on Human Rights, a workshop on the promotion of individual rights in Haiti, held in New York in November 1992.

40. Mr. ELDEEB (Egypt) said that his delegation supported the preparatory efforts, particularly by the regional committees, for the 1993 World Conference on Human Rights. He hoped that the Conference would fully and objectively address issues such as self-determination, political freedom based on the enjoyment of economic, social and cultural rights, and the threat posed to fundamental rights by foreign occupation, racial discrimination and ethnic cleansing.

41. Referring to the comments on human rights and development contained in the Secretary-General's report on the work of the Organization (A/47/1), he said that the right to development entailed guaranteeing respect for all fundamental human rights. Recent international developments had encouraged the transition to democracy and widened the scope for cooperation, which should lead to similar results in terms of economic, cultural and social rights. The freedom to participate in economic and political decision-making was also important, as was the commitment to enhance international cooperation by devising comprehensive models for development which would permit the full enjoyment of human rights. Concerning the right to human development in the form of better living, health and education standards, he praised the initiatives taken by various United Nations agencies to incorporate into their work the principles contained in the Universal Declaration of Human Rights.

42. Concerning the Secretary-General's report on enhancing the effectiveness of the principle of periodic and genuine elections (A/47/668), his delegation attached importance to the provision of United Nations technical and other assistance with a view to instituting independent and lasting political regimes. It also supported greater contact between the United Nations and regional organizations in order to ensure coordination and avoid duplication, which would facilitate the task of the United Nations Electoral Assistance Unit. Other important contributions were the advisory services and training of electoral officials provided by the Centre for Human Rights, and the work of the Department of Economic and Social Development. In that connection, his delegation stressed respect for human rights and non-interference in the internal affairs of States. In addition, it should be recognized that no single political system or specific election process could apply to all States in view of the differing historical, cultural, social and religious factors to be taken into account. The electoral process should also be implemented in accordance with the Constitution of each individual State and on the basis of respect for the sovereign right of peoples to determine their own political, economic, social and cultural systems.

43. The recent mass population exoduses occurring world wide constituted a genuine threat to human rights. Referring to the Secretary-General's report on human rights and mass exoduses (A/47/552), he commended the efforts to monitor human rights and strengthen early-warning systems. Accordingly, it supported the measures to introduce, in early 1993, a system-wide mechanism to give early warning of potential mass exoduses, which would be significant in terms of implementing General Assembly resolution 46/127.

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(Mr. Eldeeb, Egypt)

44. The current situation in parts of Africa and the former Yugoslavia gave cause for international alarm. In Bosnia and Herzegovina, the forced expulsion of Muslims was a grave violation of human rights, while the exile of Palestinians from the occupied territories contravened international humanitarian law. It was important to address the root causes of the problem, requiring the political will to confront the conflicts responsible for causing refugee flows and to introduce measures to stem those flows. The preventive strategy should also guarantee the right of voluntary repatriation and compensation for damaged property.

45. His delegation applauded the establishment under Security Council resolution 780 (1992) of the Commission of Experts to examine human rights violations in Bosnia and Herzegovina and hoped that it would shortly present its conclusions. As to the ethnic cleansing of Muslims in that region, full responsibility lay with the Serbian authorities. In that respect, it endorsed the establishment of an international criminal court which would act as a deterrent by trying and sentencing those responsible for the war crimes committed.

46. Egypt provided adequate constitutional and legal guarantees to safeguard human rights within its own territory; it was party to 17 international human rights instruments and had introduced pertinent legal and constitutional reforms over the past 20 years. After outlining Egypt's contribution to drafting international and regional human rights charters and its activities concerning the rights of the child, he endorsed the strengthening of the Centre for Human Rights. In view of its increasing workload and its important role in protecting human rights, it should be provided with the human and financial resources needed to implement its programmes.

47. Mr. RAHMAN (Pakistan) noted that United Nations efforts to protect and promote human rights had not been uniformly successful, since the Organization had often refrained from taking action against violators who wielded power and influence. In recent years, a growing number of States had embraced the values of democracy and a free-market economy, which were currently considered essential for ensuring human rights. Yet, it might be asked whether respect for those rights could ever be ensured in a world where political and economic relationships remained inequitable. Such inequities were contributing directly or indirectly to civil wars and regional conflicts in many parts of the world.

48. The end of the cold war had stimulated greater enthusiasm for the promotion of human rights. In practice, however, the world was witnessing an increase in racism, violence against immigrants and forcible repatriation of refugees. The Serbian aggression in Bosnia and Herzegovina was tantamount to pursuing a policy of genocide against the Muslim population; it also violated injunctions against religious intolerance and might lead to the outbreak of religious and ethnic wars in other new nations. His delegation accordingly endorsed the establishment of an international war crimes tribunal to bring to justice the authors of those crimes.

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(Mr. Rahman, Pakistan)

49. Discrimination gave rise to disputes and conflicts. It was therefore essential to apply uniform standards of human rights to all peoples. All peoples, including those of new nations, were entitled to self-determination, but in a manner that preserved international peace and security. Yet, that right had not been realized in some cases even though - as in South Africa and Palestine - it had been explicitly promised. In that connection, his delegation believed that a non-racial society in South Africa could be established only if the Government acted resolutely to end the violence against the African National Congress. In the case of the Palestinian people, it hoped that the Middle East peace talks would lead to a just and comprehensive settlement, on the basis of Security Council resolutions 242 (1967) and 338 (1973).

50. With regard to Jammu and Kashmir, his Government called for implementation of the Security Council resolutions of 1948 under which the future of that region was to be determined by a free and impartial plebescite. Both India and Pakistan had endorsed those resolutions; however, India had subsequently refused to allow the people of Kashmir to exercise its right to self-determination. After decades of Indian oppression, the people of Jammu and Kashmir had launched a peaceful movement for freedom in January 1990. Indian security forces in the area had responded with a campaign of repression and terror. A number of sources had reported that during the past two years, those forces had implemented a policy of torture, mass rape and indiscriminate killings in order to crush the popular movement. Violence in Kashmir was on the rise. Indian military and paramilitary forces, numbering hundreds of thousands, were currently deployed in the region and were legally protected from any investigation or punishment of their conduct. Under the reign of terror, thousands of Kashmiri men, women and children had been subjected to torture or rape or had been murdered in cold blood.

51. Until recently, foreign journalists had not been permitted to visit Kashmir; in response to international pressure, they had subsequently been authorized to visit, with an escort, certain "safe" areas. Human rights organizations had also been refused permission to visit but had been able to piece together information on the situation and had confirmed media reports about the routine occurrence of torture, indiscriminate beatings and rape.

52. Amnesty International Report 1992 and the latest reports by Asia Watch and Physicians for Human Rights provided information on numerous cases of beatings, torture and murder by Indian security forces in Kashmir. Pakistan welcomed the concern expressed by the representative of the United Kingdom on behalf of the European Community about the human rights situation in that area. It was particularly gratifying that the European Parliament had adopted a resolution in March 1992 upholding the right of the Kashmiri people to self-determination and calling on the United Nations to bring about a solution. The struggle of the Kashmiri people was entirely indigenous. His Government had repeatedly proposed that impartial observers should be

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stationed in Kashmir to verify the Indian allegations of interference, and hoped that the European Community would endorse that proposal.

53. Pakistan was little encouraged by the establishment of a Human Rights Commission in India. The Commission's mandate would not cover the activities of the armed and paramilitary forces, which in a large number of cases were responsible for the killing, rape and torture. Certain independent human rights organizations in India had published well-documented reports on the situation. The Coordination Committee on Kashmir, headed by an Indian judge, had visited the area in May 1992 and attested to the increased bitterness of the people against the Indian Government as a result of the torture, indiscriminate shooting, looting and rape committed by the security forces.

54. The situation in Kashmir constituted a threat to international peace and security. Indian and Pakistani forces were deployed face to face in Kashmir and tensions ran high. The Government of Pakistan had made every effort to prevent an escalation. It was essential for India to demonstrate the same self-restraint and halt its campaign of repression in Kashmir. Thus far, however, India had not displayed any readiness to resolve the dispute through dialogue.

55. The gross and systematic human rights violations by Indian security forces in Jammu and Kashmir deserved unequivocal condemnation by the United Nations. The Member States should ensure that India halted its campaign of repression and mass human rights violations in Kashmir and that it abrogated the laws that enabled the Indian security forces to commit such violations with impunity. The Organization should dispatch an impartial fact-finding mission to Jammu and Kashmir to determine the true situation there. India should withdraw the bulk of its military and paramilitary forces from Kashmir and enter into a genuine dialogue with Pakistan to bring about a peaceful, political settlement of the dispute in accordance with United Nations resolutions and the Simla Agreement.

56. Mr. KUBBA (Iraq) said he wished to comment on the interim report of the Special Rapporteur on the situation of human rights in Iraq (S/24386, annex; A/47/367 and Add.1) in order to apprise the Committee of the erroneous concepts presented as incontrovertible facts, in which regard he referred to Iraq's reply to part one of the report (A/C.3/47/2). First, the Iraqi Government had fully cooperated with the Special Rapporteur and provided the required facilities. The latter, however, had exceeded his mandate by heaping accusations, through the media, on the Iraqi Government, thereby overtly participating in the anti-Iraq campaign led by the United States and its allies. Even worse, his actions formed part of the allied plan to prolong the embargo against the Iraqi people and blatantly interfere in Iraq's internal affairs with a view to undermining its sovereignty and national unity.

(Mr. Kubba, Iraq)

57. That much was evident in that the Special Rapporteur had submitted part one of his report, before it was in its final form (A/47/367), to the Security Council, rather than to the General Assembly, on the pretext that such action was warranted by the serious situation in southern Iraq and its implications for security and stability in the region. As planned in advance, the report was used to serve the political purposes of the United States and its allies in the form of imposing the exclusion zone over southern Iraq. Full details of the foregoing were given in document A/C.3/47/2, which refuted the allegations concerning the inhabitants of Iraq's marshlands.

58. Part two of the report (S/24386/Add.1) had also been submitted to the Security Council, two days before its discussion of sanctions against Iraq, in order to be used as a further tool. Part one of the report focused on the Third River Project as a grave danger to the marsh inhabitants and the environment, a conclusion which the Special Rapporteur had subsequently been compelled to retract in part two. In addition, his unusual proposal - which Iraq categorically rejected - to form a team of human rights monitors with exceptional powers blatantly contravened the concepts of sovereignty, independence and non-interference in internal affairs. Moreover, the previous day's statement by the Special Rapporteur had been intended to reassure other States that such action, which he curiously likened to a United Nations election verification mission, would not set a precedent.

59. Part two of the report was best described as a failed attempt to justify the error of part one. It also dealt with extraneous issues, such as guaranteeing the safety of United Nations personnel and relief workers. Iraq questioned the Special Rapporteur's authority to grant himself such powers without a mandate from the competent international bodies, let alone the Iraqi Government and people. That conduct merely confirmed Iraq's previous assertions concerning his lack of impartiality and objectivity, a glaring example of which was his improper reference to a section of the Iraqi people as "indigenous peoples". That choice of phrase clearly had a political purpose. Furthermore, the report alleged that Iraq had not replied to questions submitted by the Special Rapporteur. On the contrary, however, Iraq's replies, made approximately one year earlier, had been ignored, presumably because they failed to serve the desired objective.

60. Finally, Iraq continued to maintain its principled position based on dealing scrupulously with the Commission on Human Rights and other relevant United Nations bodies, and on respect for international instruments. It hoped that the Committee would support the calls world wide to lift the embargo against the Iraqi people, which aimed to destroy their most basic right to life.

61. Mr. AHAMED (India) said that the United Nations should take action to deal with the new forms of terrorism, human rights violations and racism that had arisen in certain parts of the world. The Indian Constitution enshrined the fundamental rights of all citizens, irrespective of sex, caste or

(Mr. Ahamed, India)

religion. In order to strengthen those rights further, India was setting up an independent Human Rights Commission to protect the vulnerable sectors of society.

62. The Indian ethos, which had evolved over the centuries, was essentially one of tolerance and peace. India's culture had given rise to the great religions of Hinduism, Buddhism, Jainism and Sikhism, whose basic tenet was tolerance, and had welcomed other great religions into its midst. Human rights were determined by the social, traditional and cultural mores of every society. While certain basic human rights were supported by all, no one could accept that it was the right of a few to determine what was good for all. A collective approach taking account of all points of view was more acceptable.

63. There was an underlying interdependence between political and civil rights, on the one hand, and economic, social and cultural rights, on the other. In that connection, he stressed the importance of the right to development, which should enable human beings to lead a life of dignity and fulfilment. True promotion of human rights should be based on a realistic recognition of their indivisibility and guarantee not only freedom but also life with dignity.

64. In recent years, the growing threat of international terrorism had emerged as a challenge to the enjoyment of human rights. Terrorists endangered the territorial integrity and security of States and sought to destroy their economic infrastructure and destabilize their legitimate Governments. It was a sad fact that human rights organizations had not dealt with terrorist activities in a manner commensurate with the threat that they posed. International terrorists destabilized democratic Governments by promoting fundamentalism, the brutal and systematic violation of the rights of women and children, drug trafficking, gunrunning and money laundering.

65. The greatest threat to human rights in India came from the increased activities of terrorists, subversive elements and drug traffickers. The scant attention given to those activities by the media and human rights organizations merely encouraged such terrorism. Effective safeguards against human rights violations must be based on the rule of law. Democratic Governments were the best allies in defending human rights against increasing violations by religious or ethnic terrorist groups. Terrorist activities supported by Governments must not be ignored or condoned.

66. In its nearly half century of independence, India had developed strong democratic institutions and traditions, including a free press, a vibrant public opinion, an elected Parliament and an independent judiciary. His country had always cooperated internationally to protect human rights and maintained an ongoing dialogue with the prominent human rights organizations. It was looking forward to the forthcoming World Conference on Human Rights and was ready to engage in consultations with other delegations to facilitate the adoption on the basis of consensus of an agenda for the Conference.

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(Mr. Ahamed, India)

67. He failed to understand how Pakistan, a country that had known only brief periods of democracy and had experienced military dictatorship and the violent overthrow of democratically elected Governments, even dared to claim that it had any credentials to speak on human rights. Pakistan, which spoke so eloquently about Kashmir, was silent about its occupation of a large section of the territory of Jammu and Kashmir for over half a century. Jammu and Kashmir was an integral part of India and would remain so whatever Pakistan might say or do. The problem in Kashmir was the result of the State-funded terrorism originating in Pakistan.

68. For the past few years, Jammu and Kashmir have been in the grip of a low-intensity war aided and directed by the Pakistan Government. The representative of Pakistan had failed to mention the thousands of officials and media representatives killed by the terrorists. Nevertheless, India's democracy was prevailing and his Government would not tolerate any terrorist interference in the name of religion or in the guise of protecting human rights.

69. He failed to understand how Pakistan could imagine that it had the right to speak for the minorities in India, who greatly outnumbered Pakistan's majority population. India's Muslim population was larger than that of Pakistan and could speak for itself. Pakistan was promoting terrorism, fundamentalism and separatism in India. A new form of "ethnic cleansing" was being carried out by terrorists in Kashmir in order to undermine India's secular foundations. Pakistan would be well advised to attend to the welfare of its own nationals, including a group of Muslims, who suffered from discrimination at the hands of their Government. India had signed more human rights instruments than Pakistan and had a well-established democratic system with laws that provided ample safeguards against human rights violations. He stressed that the international community should pay heed to the gross violations of human rights being perpetrated by Pakistan's terrorist agents in India.

The meeting rose at 6.25 p.m.